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Berkeley, Ca. Charters.

CHARTER OF THE CITY OF BERKELEY,

adopted July 7, 1909, amended: 1909

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BISHOP BERKELEY

"Westward the course of empire takes its way:
The four first acts already past,
A fifth shall close the drama with the day:
Time's noblest offspring is the last."

George Berkeley, Bishop of Cloyne, a distinguished English philosopher and writer, after whom Berkeley, California, is named, was born at Dysert Castle, near Thomastown, Ireland, March 12, 1685. Educated in Trinity College, Dublin, he was appointed an Episcopal prelate, and devoted himself to literature and to philanthropic efforts to establish in America a college for the education and conversion of the Indians to Christianity. He lived nearly four years in Rhode Island, respected, esteemed and beloved by the people of early New England. The British government neglected to furnish the promised funds for the college, and, having exhausted much of his own fortune in his benevolent design, Bishop Berkeley was compelled to return to his native land. So powerfully impressed had he become with the great future of the American colonies that he wrote the famous poem, "Destiny of America," the concluding stanza of which is quoted above. Alexander Pope, his most intimate friend, declared he was "possessed of every virtue." He died January 14, 1753, at Oxford, England. L. E. P.

CHARTER

OF THE

City of Berkeley

PREPARED AND PROPOSED BY THE

BOARD OF FREEHOLDERS

Elected November 21, 1908, in Pursuance of the Provisions of
Section 8, Article XI of the Constitution of the
State of California

Ratified by the qualified electors of the Town of Berkeley at a
special municipal election held on January 30, 1909.
Subsequently presented to the Legislature
of the State of California and
thereafter approved.

Compiled, Annotated and Indexed by
HON. L. ERNEST PHILLIPS
Member of the Bar United States Supreme Court
Late United States Commissioner, Ex-U. S. Special Attorney

April, 1909

D. of D.
JUN 20 1916

PREFATORY.

In the labor of compiling, annotating, and indexing the Charter of the City of Berkeley, a service rendered without cost to the city, and which required a month of unceasing effort, to the exclusion of important professional matters. I desire to express my most sincere and cordial thanks for the practical assistance and encouragement of a number of my friends in the Academic City, notably to Hon. Francis Ferrier, President of the Town Board of Trustees; to Professor William Carey Jones, whose History of the University of California is a most felicitous addenda to the present compilation, and whose account of the Charter is a valuable aid to students seeking knowledge upon city government; to Mr. Wells Drury, a well-known journalist of the Pacific Coast, for his excellent sketch entitled "Industrial Berkeley"; to Mr. Clarence S. Merrill, Postmaster, whose statistical review of the growth and progress of the city is shown by the records of his office; to Mr. Warren Cheney, who contributed a historical sketch of the origin and early history, and to Mr. Charles Keeler for his "Picturesque Berkeley," all of which have powerfully aided in making the present work a unique, instructive, and interesting departure from the usually dry and unentertaining publications of its kind.

The proposed seal for the City of Berkeley is respectfully submitted to the criticism of my friends and the public as an attempt to incorporate the most suggestive design for this purpose with the ornamental and essential features of a practical seal.

Of the phenomenal advancement of Berkeley and its future prospects much has been said in the daily press and the magazines; but it is the real substratum of material advantages embracing a wonderful climate, accessibility to the rest of the world, over modern, rapid lines of travel, a residence area unexcelled anywhere along the historic Mediterranean for superb views of land and sea, a government, a people, and a social and intellectual environment not surpassed anywhere in the world, that comprise the realities through which Berkeley is fast becoming and is destined to

remain one of the leading educational and residential cities of the country.

That the new Charter will powerfully aid in this development is a certainty. The elimination of that kind of politics and political methods which have disgraced and debauched many towns and cities, the exclusion of the saloon with its crime-breeding influences, and the nomination and election of public officials upon lines of personal merit rather than political manipulation suggest law and order and good government. Moreover, the active presence and co-operation of a faculty of instructors comprising some of the ablest thinkers and writers, a true sociologic-cult for human betterment, with a university already famous among educational institutions and destined to become to the far West what Harvard, Princeton, and Yale are to the Eastern shores of our Republic, cause Berkeley to stand forth alone among her sister cities in this land of sunshine and flowers, as the Athens of the Pacific.

The fraternal orders are well represented in Berkeley. That ancient and sublime organization, "Masonry," is also here, that order which safe-guards human liberty and the moral and spiritual welfare of mankind in every corner of the civilized world, which stands silent, watchful, beneficent, holy,—with its citadel in the hearts and affections of men,—has a worthy Temple founded by Henry Durant, a pioneer of Berkeley, whose philanthropy and high character still remind us of the true end of life.

It only remains for the investigative spirit to examine the following pages, to read the historical and statistical matter appended, and then to explore the far and near reaches of the city, to become an enthusiast and a dweller in this charming domain of health, refinement, and progress.

L. Ernest Phillips.

2036 Bancroft Way, Berkeley, Cal.,
April 12, 1909.

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CHARTER

OF THE

City of Berkeley

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ARTICLE I.

NAME AND RIGHTS OF THE CITY.

§ 1. Name of the city.

Sec. 1. The municipal corporation now existing and known as the Town of Berkeley shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Berkeley, and by such name shall have perpetual succession.

§ 2. Rights and liabilities.

Sec. 2. The City of Berkeley shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES.

§ 3. See. 3. The boundaries of the City of Berkeley shall be as follows:

Beginning at the point of intersection of the boundary line between Alameda County and Contra Costa County, California, with the eastern line of plot number eighty-three (83) as said plot is shown on Kellersberger's map of the subdivision of the Rancho of Vincente and Domingo Peralta, of record in the office of the County Recorder of Alameda County; thence southerly along the eastern line of said plot eighty-three (83) and plots eighty-two (82) and eighty (80) and along the prolongation of said eastern line of said plot eighty (80) southerly across plots seventy-eight (78) and seventy-seven (77) and along the line dividing plots seventy-four (74) and seventy-five (75), all of said plots being portions of the subdivision of said Rancho of Vincente and Domingo Peralta, to a point one hundred and fifty (150) feet southerly from the northeast corner of said plot seventy-five (75) of said Kellersberger's subdivision of said Rancho of Vincente and Domingo Peralta, and one hundred (100) feet southerly from the intersection of said line of said plot seventy-five (75) with the southern line of Russell Street as located by survey, a map of which is recorded in the office of the County Recorder of Alameda County, California, on page thirty-nine (39) of Book Nineteen (19) of maps, said point on said southern line of said Russell Street being identical with the southern line of Public Road No. 3093 of Alameda County—commonly called the Tunnel Road—at its point of beginning; thence easterly and southeasterly along a line one hundred (100) feet distant from and parallel with the said southern line of said County Road No. 3093 to a point six hundred and sixty (660) feet distant southerly from and at right angles to the northern line of plot seventy-four (74) as per Kellersberger's subdivision of said Rancho of Vincente and Domingo Peralta; thence easterly and parallel with said northern line of said plot seventy-four (74) to the eastern line thereof; thence southerly along the eastern boundary of said plot seventy-four (74) to the southeast corner thereof; thence westerly along the southern boundary

of plots seventy-four (74) and seventy-six (76) of the Rancho Vincente and Domingo Peralta and said line produced westerly to Claremont Avenue; thence westerly across Claremont Avenue to the point of intersection of the western line of said Claremont Avenue with the southern line of the Colby Tract as indicated on map of same, recorded on page 76 of Map Book No. 19, in the office of the County Recorder of Alameda County; thence westerly along the southern line of the Colby Tract to the eastern line of College Avenue; thence westerly, crossing College Avenue at right angles to same, to a point on the eastern boundary of the City of Oakland one hundred and twenty-five (125) feet westerly from the western line of College Avenue; thence northerly and parallel to College Avenue to a point twenty and seven-tenths (20.7) feet at right angles southerly from the southern line of Woolsey Street in the "Fairview Park"; thence westerly in a straight line to a point ninety-seven and fifty-hundredths (97.50) feet at right angles southerly from the southern line of Woolsey Street in the Newbury Tract, Berkeley, Cal., said point being on the prolongation in a straight line northerly of the eastern boundary of the Lorin Villa Tract; thence southerly along said prolongation of said eastern line of said Lorin Villa Tract, and along the eastern line of said Lorin Villa Tract and said eastern line of said Lorin Villa Tract produced in a straight line southerly to a point one hundred and thirty-five (135) feet southerly from the southern line of Alcatraz Avenue; thence westerly and parallel with the said southern line of Alcatraz Avenue to the line dividing plots numbers forty-six (46) and fifty-two (52) of Kellersberger's subdivision of the Rancho of Vincente and Domingo Peralta; thence southerly along the said last line to a point on said line one hundred and thirty-five (135) feet southerly from the southern line of Todd Street, as shown on map of Paradise Park; thence westerly and parallel with the southern line of Todd Street to a point one hundred (100) feet westerly from the western line of Occidental Street, as shown on said map of Paradise Park (said Occidental Street being that street now known as California Street); thence northerly and parallel with said California Street to a point one hundred (100) feet southerly from the southern line of Alcatraz Avenue; thence westerly and parallel with said

southern line of Alcatraz Avenue to a point one hundred and sixty (160) feet westerly from the western line of Idaho Street, as shown on map of the Herzog Tract; thence northerly and parallel with the said western line of said Idaho Street, as shown on maps of the Herzog Tract and of the Rock Island Tract, to a point one hundred (100) feet southerly from the southern line of Blackstone Street, as shown on map of the Rock Island Tract; thence westerly and parallel with the southern line of said Blackstone Street to a point one hundred (100) feet westerly from the western line of Mabel Street as shown on map of the Carrison Tract, if said western line of said Mabel Street as located east of said Carrison Tract were extended in a direct line southerly; thence northerly, and parallel with the said western line of said Mabel Street and the extension thereof southerly, to a point one hundred (100) feet southerly from the southerly line of Haskell Street, as shown on map of the Carrison Tract; thence westerly and parallel with the said southern line of Haskell Street to the eastern line of San Pablo Avenue; thence northerly along the said eastern line of said San Pablo Avenue, ninety-five (95) feet; thence westerly across San Pablo Avenue to a point on the westerly line thereof distant one hundred and ten (110) feet northerly from the northern line of Union Street, as said Union Street is shown on map of the Villa Homestead Association; thence westerly and parallel with the said northern line of said Union Street and parallel with the extension of said line of said Union Street to the western boundary of Alameda County; thence northerly and along the said western boundary of Alameda County to a point from which a line drawn easterly at right angles to the western line of First Street, in Tract "B" of the lands of the Berkeley Land and Town Improvement Association would interseet said western line of said First Street at Codorniees Creek; thence easterly in a straight line to the point of intersection of the western line of said First Street with Codorniees Creek; thence easterly along said ereek to the corner common to Lots 186 and 187 of Peralta Park, as shown on the map of the Resubdivision of Peralta Park, filed August 29th, 1893, on page 4 of Map Book No. 15, in the office of the County Recorder of Alameda County; thence northerly along the line dividing

Lots numbers 165 to 176 inclusive and numbers 178 to 186 inclusive on the east, and Lots numbers 187 to 204 inclusive on the west to a point on the southern line of Lot No. 162, all of said lots being of said resubdivision of Peralta Park; thence westerly along the northern boundary line of Lot 204 to the corner common to Lots 161 and 162, thence northerly along the line dividing said Lots 161 and 162 as shown on said map of Resubdivision of Peralta Park to the southern line of Posen Avenue; thence northerly, crossing Posen Avenue to a point on the northern line of same at the corner common to Lots 116 and 117 of said Resubdivision of Peralta Park; thence northerly along the line dividing Lots 117, 107 and 94 on the west from Lots 116, 108 and 93 on the east to the corner common to said Lots 93 and 94, on the northern boundary of said Peralta Park; thence easterly along the northern line of Peralta Park to the southeasterly corner of Lot Number 1 in Block Number 16 as surveyed in "Northbrae, Berkeley, California," a map of which was filed in the office of the Recorder of Alameda County on April 8th, 1907, on page 65 of Map Book No. 22; thence northeasterly in a straight line to a point on the northwesterly line of Monterey Avenue as per map of "Northbrae." where said northwesterly line of Monterey Avenue intersects the western line of that certain piece or parcel of land conveyed by George Sterling and Carrie R. Sterling to the Berkeley Development Company by deed dated October 13th, 1906, and recorded at page 92 in Book of Deeds Number 1243; thence north 9 degrees 45 minutes west along the western line of said last named piece or parcel of land twenty-five hundred and fifty-eight (2558) feet, more or less, to the northwesterly corner of said piece or parcel of land; thence north 80 degrees 15 minutes east along the northerly line of said last named piece or parcel of land twenty-nine hundred and nineteen and 89-100 (2919.89) feet to a point in the center line of County Road Number 4398, said County Road being also commonly known as Spruce Street, and designated as "Spruce Street" on map entitled "North Cragmont, Berkeley, Cal.," filed in the office of the County Recorder of Alameda County on April 20th, 1908, on page 84 of Map Book Number 23; thence southerly and following the center line of said County Road No. 4398 to its intersection with "Sawyers

partition Line"; thence north 60 degrees 30 minutes east along said "Sawyers partition Line," said line being identical with the northern line of "Tuohys Second Addition," to the corner common to plots "Q" and "R" as shown on map entitled "Map of the Undivided Mountain and Hill Land of Vincente and Domingo Peralta Rancho as partitioned by a decree of the Third District Court, March 2nd, 1875," filed in the office of the County Recorder of Alameda County, October 6th, 1875, on page 30 of Map Book Number 19; thence south 5 degrees east along said line dividing said plots "Q" and "R" eleven hundred and sixteen and 72-100 (1116.72) feet to the northern line of Berkeley, as per description in Charter adopted March 5th, 1895; thence easterly along said northern line of Berkeley as per Charter adopted March 5th, 1895, said line being identical with the northern lines of plots eighty-four (84) and eighty-three (83) as per Kellersberger's map of the subdivision of the Rancho of Vincente and Domingo Peralta, of record in the office of the County Recorder of Alameda County, to a point on the line dividing Alameda County and Contra Costa County, said point being the most northern point on the boundary of said plot 83; thence southerly and southeasterly along said line between said Alameda and Contra Costa counties to the point of beginning.

ARTICLE III.

ELECTIONS.

§ 4. General and special municipal elections.

Sec. 4. A municipal election shall be held in the City on the first Saturday in May in the year 1909, and on the first Saturday in April in 1911 and on the first Saturday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in subdivision 22 of section 5, on the third Saturday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections.

§ 5. Nomination and election of city officers.

Sec. 5. (1) The mode of nomination and election of all elective officers of the City to be voted for at any municipal election shall be as follows and not otherwise:

§ 6. Condition of candidacy.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

§ 7. Form of nomination petition.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

§ 8. Individual certificate.

State of California, }
County of Alameda, } ss.
City of Berkeley. }

Prect. No. .....

I, the undersigned, certify that I do hereby join in a petition for the nomination of ..... whose residence is at No. ..... Street, Berkeley, for the office of ..... to be voted for at the municipal election to be held in the City of Berkeley on the ..... day of ..... 19... and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. .... Street, Berkeley, and that my occupation is .....

.....

(Signed) .....

State of California, }
County of Alameda, } ss.
City of Berkeley. }

..... being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) .....

Subscribed and sworn to before me this .....day of ..... 19....

.....

(Notary Public or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to ..... at No. .... Street, Berkeley, Cal.

§ 9. Forms to be supplied by the City Clerk.

(4) It shall be the duty of the City Clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

§ 10. Requirements of certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

§ 11. Verification deputies.

(6) Verification deputies, under this section, must be qualified electors of the City and shall be appointed by the City Clerk upon application in writing signed by not less than five qualified electors of the City. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification

deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the City Clerk.

§ 12. Date of presenting petition.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the City Clerk not earlier than forty-five days nor later than thirty days before the election. The Clerk shall endorse thereon the date upon which the petition was presented to him.

§ 13. Examination of petitions by City Clerk.

(8) When a petition of nomination is presented for filing to the City Clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the Clerk as in the first instance. The Clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the Council shall provide extra help to enable the Clerk to perform satisfactorily and promptly the duties imposed by this section.

§ 14. Withdrawal of Signature.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the City Clerk a verified revocation of his signature before the filing of the petition by the Clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

§ 15. Withdrawal of candidate.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five

days before the day of election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

§ 16. Filing of petitions.

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the Clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the Clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

§ 17. Preservation of petitions.

(12) The City Clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

§ 18. Election proclamation.

(13) Immediately after such petitions are filed, the Clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the Charter of Berkeley, and the Council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the City of Berkeley. Said proclamation shall conform in all respects to the general State law governing the conduct of municipal elections, now or hereafter in force, except as above required.

§ 19. Form of ballots.

(14) The City Clerk shall cause the ballots to be printed and bound and numbered as provided for by State law except as otherwise required in this Charter. The ballots shall contain the list of names and the respective offices,

as published in the proclamation and shall be in substantially the following form:

§ 20. General (or special) municipal election, City of Berkeley.

(Inserting date thereof.)

INSTRUCTIONS TO VOTERS: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the Inspector of Election, and obtain another.

§ 21. Requirements of ballot.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this Charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

§ 22. Every nominee to be on ballot.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

§ 23. Arrangement of offices on ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For Mayor (if any) vote for one."

"For Auditor (if any) vote for one."

"For Councilman (if any) vote for (giving number)."

"For School Directors (if any) vote for (giving number)."

§ 24. Space for voting cross.

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

§ 25. Blank spaces for additional candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

§ 26. Sample ballots.

(20) The Clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

§ 27. Vote necessary for election.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of Councilman or School Director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; provided, however, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

§ 28. Second Election.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, provided, that if there be any person who, under the provisions of this subdivision, would have been entitled to become

a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

§ 29. Date of second election.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

§ 30. Rules governing second election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

§ 31. Failure of person elected to qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

§ 32. Informalities in election.

(26) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

§ 33. General election regulations.

Sec. 6. (1) The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the Council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

§ 34. Voting machines.

(2) In case voting machines shall be used at municipal elections, the Council shall have power, by ordinance, to

modify the provisions of Section 5 so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

§ 35. Applies to all elective officers.

Sec. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the City. The procedure to effect such removal from office shall be as follows:

§ 36. Petition for recall.

(2) A petition signed by qualified electors equal in number to twenty per centum of the entire vote cast for Mayor at the last preceding general municipal election at which a Mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the Council and presented to the City Clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

§ 37. Provisions of Section 5 apply.

(3) The provisions of Section 5 respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

§ 38. Election under recall petition.

(4) If the officer sought to be removed shall not resign within five days after the petition is filed by the City Clerk, and if the petition requests a special election, the Council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the Council may in its discretion postpone the holding of such election to such general municipal election.

§ 39. Grounds of recall. Officer's justification.

(5) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the Recall

petition, and in not more than two hundred words the officer may justify his course in office.

§ 40. Candidates. Election.

(6) The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Section 5.

§ 41. Incumbent removed.

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

§ 42. No recall petition for first three months.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

§ 43. Incapacity of recalled official.

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

§ 44. Further regulations.

(10) The Council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 5 thereto.

ARTICLE V.

ELECTIVE OFFICERS.

§ 45. The Elective Officers.

Sec. 8. The elective officers of the City shall be a Mayor, an Auditor, four Councilmen, and four School Directors.

The Council shall consist of the Mayor and four Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

The Board of Education shall consist of four School Directors and the Councilman appointed to be Commissioner of Finance and Revenue, each of whom, including said Commissioner, shall have the right to vote on all questions coming before the Board.

§ 46. Elected at large.

Sec. 9. The Mayor, Auditor, Councilmen and School Directors shall be elected at the general municipal election on a general ticket from the City at large.

§ 47. Eligibility of Mayor, Auditor, and Councilmen.

Sec. 10. To be eligible for the office of Mayor, Auditor, *or Councilman, a person, must be a citizen of the United States and a qualified elector of the State of California and of the City of Berkeley.

§ 48. Eligibility of School Directors.

Sec. 11. To be eligible for the office of School Director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the City of Berkeley.

§ 49. Vacancy in office of Mayor, Auditor or Councilman.

Sec. 12. If a vacancy shall occur in the office of Mayor, Auditor or Councilman, the Council shall appoint a person to fill such vacancy. If at any municipal election held under subdivision 22 of Section 5 of this Charter a Mayor, Auditor or the required number of Councilmen be not elected by reason of a tie vote among any of the candidates therefor, then the Council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons, receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the Recall until the next general municipal election.

§ 50. Vacancy in office of School Director.

Sec. 13. If a vacancy shall occur in the office of School Director, the Board of Education shall appoint a person to fill such vacancy. If at any municipal election held under subdivision 22 of Section 5 of this Charter a School Director be not elected by reason of a tie vote among any of the candidates therefor, then the Board of Education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the Recall, until the next general municipal election.

* Erroneously specifies "Auditor of Councilman" in Act approving Charter.

§ 51. Mayor's and Auditor's term of office.

Sec. 14. The Mayor and Auditor shall each hold office for a term of two years from and after the first day of July after his election, and until his successor is elected and qualified.

§ 52. Councilmen's term of office.

Sec. 15. The Councilmen shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified. Provided, that the Councilmen first elected under this Charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this Charter, there shall be elected two Councilmen.

§ 53. School Director's term of office.

Sec. 16. The School Directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified. Provided, that the School Directors first elected under this Charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this Charter there shall be elected two School Directors.

§ 54. Official bonds.

Sec. 17. The Mayor, Auditor, each Councilman and each School Director shall, before entering upon the duties of his office, give and execute to the City a bond with a surety company as sole surety, the Mayor and Auditor each, in the penal sum of $10,000, each Councilman in the penal sum of $5,000, and each School Director in the penal sum of $2,500.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the Mayor must be approved by the Council and the bonds of the Auditor and the several Councilmen and School Directors must be approved by the Mayor.

The Council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the City Clerk. All the provisions of any law of this State, relating to official bonds, not inconsistent with this Charter, shall be complied with.

§ 55. Oath of office.

Sec. 18. Every officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

§ 56. Salaries.

Sec. 19. The Mayor shall receive an annual salary of $2,400, payable in equal monthly installments.

The Auditor shall receive an annual salary of $1,800, payable in equal monthly installments.

Each Councilman shall receive an annual salary of $1,800, payable in equal monthly installments.

Each School Director shall receive five dollars for each regular meeting of the Board of Education which he shall attend, provided that he shall not receive more than $15 in any one month.

§ 57. Administering oaths. Subpœnas.

Sec. 20. Every elective officer, every chief official and every member of any board or commission provided for in this Charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpœnas, to compel by subpœna the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpœnaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpœna, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general

laws of this State. The Chief of Police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpœna.

ARTICLE VI.

THE MAYOR.

§ 58. The chief executive.

Sec. 21. The Mayor shall be the chief executive officer of the City and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the City are faithfully performed.

§ 59. Mayor pro tempore.

Sec. 22. During the temporary absence or disability of the Mayor, the Vice-President of the Council shall act as Mayor pro tempore. In case of the temporary absence or disability of both the Mayor and Vice-President, the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of the Mayor, the Vice-President of the Council shall act as Mayor until such vacancy can be filled as provided in this Charter.

§ 60. Mayor's reports.

Sec. 23. The Mayor shall annually and from time to time give the Council information relative to the affairs of the City and recommend to its consideration such matters as he may deem expedient.

§ 61. Mayor to have City's books examined.

Sec. 24. The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records and reports of the Auditor and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct and make triplicate reports thereof, and present one each to the Mayor and Auditor, and file one with the City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give

all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The Council shall provide for the payment of the services of such accountant.

§ 62. Supervision of public utility companies.

Sec. 25. The Mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the City are faithfully observed.

The Mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the City to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the City. The City Attorney, on demand of the Mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

§ 63. Powers and duties prescribed by ordinance.

Sec. 26. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

§ 64. The four municipal departments.

Sec. 27. The executive and administrative powers, authority and duties of the City, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of Finance and Revenue.
2. Department of Public Health and Safety.
3. Department of Public Works.
4. Department of Public Supplies.

§ 65. Council to assign duties to the departments.

Sec. 28. The Council shall determine and assign the duties of the several departments, subject to the provisions

of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

§ 66. The four Commissioners.

Sec. 29. The Council at its first regular meeting after the election of its members, shall designate by majority vote one Councilman to be Commissioner of Finance and Revenue, one to be Commissioner of Public Health and Safety, one to be Commissioner of Public Works and one to be Commissioner of Public Supplies. If the Council is unable to agree, the Mayor shall have authority to make such designation. The Council may change such designation, by ordinance or by resolution published for two days, whenever it determines that the public service will be benefited thereby.

§ 67. The chief officials.

Sec. 30. The chief officials of the City shall be City Clerk, Assessor, Treasurer, Collector, Attorney, Engineer, Chief of Police, Fire Chief, Street Superintendent, Health Officer and five Library Trustees. They shall be appointed and may be removed by a majority vote of the Council. The Council, at any time when in its judgment the interests of the City so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The Council shall by ordinance prescribe the duties of all the chief officials.

The Council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the City and the determination of their duties as provided in this section.

§ 68. Subordinate officers and employees.

Sec. 31. The Council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this Charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs

of the City, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this Charter.

§ 69. Compensation of officers and employees.

Sec. 32. The compensation of all City officers provided for by Section 30 of this Charter, except Library Trustees, who shall receive no remuneration, shall be by salary to be fixed by the Council. The Council shall also fix the compensation of all other officers and employees of the City, except as in this Charter otherwise provided. No officer or employee shall be allowed any fees, perquisities, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City treasury.

§ 70. Reports of departments.

Sec. 33. Each department and commission shall annually on such date as may be fixed by the Council, render to the Mayor a full report of all the operations of such department or commission for the year.

§ 71. Reports to be published.

Sec. 34. The Council shall provide for the publication of the annual reports of the Mayor and of the several departments and commissions.

§ 72. Councilman to hold no other office.

Sec. 35. No member of the Council, except the commissioner of Finance and Revenue, who shall be ex-officio a member of the Board of Education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected.

§ 73. Officers not to be interested in contracts or franchises.

Sec. 36. No officer or employee shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by as-

sessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section shall be deemed a misdemeanor.

The Council shall enforce the provisions of this section by appropriate legislation.

§ 74. Political and religious tests.

Sec. 37. No appointment to position under the City government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner effected by such opinions, affiliations or services.

ARTICLE VIII.

THE COUNCIL.

§ 75. The Council, the governing body.

Sec. 38. The Council shall be the governing body of the municipality. It shall exercise the corporate powers of the City, and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

§ 76. President and Vice-President.

Sec. 39. The Mayor shall be President of the Council and shall preside at its meetings when present. The Council shall elect one of its number to be Vice-President.

§ 77. Meetings of Council.

Sec. 40. The Council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

§ 78. Meetings to be public.

Sec. 41. All legislative sessions of the Council, whether regular or special, shall be open to the public.

§ 79. Quorum.

Sec. 42. A majority of the members of the Council shall constitute a quorum for the transaction of business.

§ 80. Rules of proceeding.

Sec. 43. The Council shall establish rules for its proceedings.

§ 81. Ordinances and resolutions.

Sec. 44. (1) The Council shall act only by ordinance or resolution.

§ 82. Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council.

§ 83. Majority vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the Council.

§ 84. Subject and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

§ 85. Enacting clause of ordinances.

(5) The enacting clause of all ordinances passed by the Council shall be in these words: "Be it ordained by the Council of the City of Berkeley as follows:"

§ 86. Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance,

must in like manner be republished as amended for not less than one day.

§ 87. Ordinances required in certain cases.

(7) No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

§ 88. Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council held not less than one week after the meeting at which such motion was made.

§ 89. Signing and attesting.

(9) All resolutions and ordinances shall be signed by the Mayor and attested by the City Clerk.

§ 90. Revision and amendment.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

§ 91. Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

§ 92. Ordinances granting franchises.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

§ 93. Record of City ordinances.

(13) A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

§ 94. Protection of absent commissioner.

Sec. 45. No final action shall be taken in any matter concerning the special department of any absent Councilman unless such business has been made a special order of the day by action at a previous meeting of the Council, or such action is taken at a regular meeting of the Council.

§ 95. Publication of Charter and ordinances.

Sec. 46. The Council, during the first year after its organization under this Charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the Charter of the City and such provisions of the Constitution and laws of the State as the Council may deem expedient, to be published in book form.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

§ 96. General powers of the City.

Sec. 47. Without denial or disparagement of other powers held under the Constitution and laws of the State, the City of Berkeley shall have the right and power:

§ 97. Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dis-

pensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions.

§ 98. Water, light, heat and power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the City, and to supply the City and its inhabitants and also persons, firms and corporations outside the City, with water, gas and electricity.

§ 99. Telephone, telegraph and transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

§ 100. Sale of products of public utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the City.

§ 101. Land for public purposes.

(5) To acquire by purchase, condemnation or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

§ 102. Lease of public utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the City.

§ 103. Bequests and donations.

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in ac-

cordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

§ 104. Borrowing money, bonds.

(8) To borrow money for any of the purposes for which the City is authorized to provide and for carrying out any of the powers which the City is authorized to enjoy and exercise and to issue bonds therefor; provided, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

§ 105. Special tax.

(9) To raise money by a special tax, in addition to the annual tax levy provided in Section 57 of this Charter. To authorize such special tax, the provisions of Section 92 of Article XIII relating to the Initiative, or of Section 94 of Article XIV relating to the Referendum, shall be followed, and the levy of such tax must be approved by at least two-thirds of the qualified electors who vote thereon. At such election the Council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the Council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

§ 106. Joint ownership of water supply.

(10) To join with one or more cities incorporated under the Constitution and laws of the State in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

§ 107. Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

§ 108. Direct legislation by people.

Sec. 48. The qualified voters of the City shall have power through the initiative and otherwise, as provided by this Charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the above general powers of the City or any of the specified powers of the Council.

§ 109. Powers of the Council enumerated.

Sec. 49. As the legislative organ of the City, the Council, subject to the provisions and restrictions of this Charter, shall have power:

§ 110. Official seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

§ 111. Violation of Charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this Charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both.

§ 112. Nuisances.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

§ 113. Rewards.

(4) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the City, and to authorize the payment thereof.

§ 114. Police and Fire Departments.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

§ 115. Police and fire alarm systems.

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

§ 116. Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitrogly-

cerine, fireworks and other explosive materials and substances.

§ 117. Inflammable materials.

(8) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

§ 118. Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the Council would endanger public safety.

§ 119. Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

§ 120. Building regulations.

(11) To regulate the construction of and the materials* used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

§ 121. Fire escapes.

(12) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

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* "Material" appears in the original subdivision as published, and "materials" in the Act of the Legislature, as approved and recorded.

§ 122. Precaution against fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the City; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

§ 123. Provisions for safety in theatres, halls, etc.

(14) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

§ 124. Provision for safety in streets.

(15) To regulate the speed of railroad trains, engines and cars passing through the City and the speed of cars of street or interurban railway companies using the public streets of the City, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the Council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the City; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the City.

§ 125 Improper use of streets.

(16) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

§ 126. Weeds and rubbish on sidewalks.

(17) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the City at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

§ 127. Billboards and signs.

(18) To regulate, license or prohibit the construction and use of billboards and signs.

§ 128. Dogs.

(19) To regulate and prevent the running at large of dogs, to prevent dog fights in the streets, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

§ 129. Public pound.

(20) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

§ 130. Cruelty to animals.

(21) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

§ 131. Preservation of health.

(22) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the City; to make quarantine laws and regulations; to regulate, control and prevent the entry into the City of persons, baggage, merchandise or other preperty infected with contagious disease.

§ 132. Dangerous and offensive occupations; disagreeable noises.

(23) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the

City or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

§ 133. Inspection of food products.

(24) To provide for and regulate the inspection by the Health Officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the City, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the City or having or keeping within the City any such unsound, spoiled, adulterated or unwholesome products.

§ 134. Dairies.

(25) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the City.

§ 135. Lodging, tenement and apartment houses.

(26) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

§ 136. Sewer connections.

(27) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

§ 137. Garbage.

(28) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

§ 138. Licensing businesses.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be

transacted or carried on in the City; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

§ 139. Regulation of public vehicles.

(30) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

§ 140. Weights and measures.

(31) To provide for the inspection and sealing of all weights and measures used in the City, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

§ 141. Public shows. Gambling.

(32) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

§ 142. Public order and decency.

(33) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the City.

§ 143. Taxation.

(34) To levy and collect taxes upon all the real and personal property within the City, subject to the limitations elsewhere in this Charter provided.

§ 144. Erroneously collected taxes.

(35) To order the repaying by the Treasurer of any taxes, percentages or costs erroneously or illegally collected.

§ 145. Fees.

(36) To fix the fees and charges for all official services not otherwise provided for in this Charter.

§ 146. Mayor's urgency fund.

(37) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the Mayor.

§ 147. Lease of lands owned by the City.

(38) To provide for the lease of any lands now or hereafter owned by the City, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; provided, that the Council may in its discretion reject any and all bids.

§ 148. Purchase of property under execution.

(39) To provide for the purchase of property levied upon or under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

§ 149. Sale of useless personal property.

(40) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the City.

§ 150. Trusts.

(41) To provide for the execution of all trusts confided to the City.

§ 151. Street grades.

(42) To establish or change the grade of any street or public place.

§ 152. Street work.

(43) To order the whole or any part of any street, avenue, lane, alley, court or place within the City of Berkeley to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or recapped, sewered or re-sewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and

to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the Council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

§ 153. Street opening.

(44) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the City or over tide lands and lands covered by the waters of San Francisco Bay within the City, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the Council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under the direction of the Commissioner of Public Works of the City, who shall receive no compensation therefor.

§ 154. Light and water.

(45) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the City with water for municipal purposes.

§ 155. Boulevards.

(46) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have

been duly passed by popular vote, as provided in Articles XIII and XIV.

§ 156. Closed or abandoned streets.

(47) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the Council shall deem that equity requires.

§ 157. Waterfront and wharves.

(48) To improve, keep in repair and control the water front of the City, to fix the rates of wharfage, dockage, and tolls, and provide for the collection thereof, to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other watercraft within the jurisdiction of the City.

§ 158. Regulation of public utility rates.

(49) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the City, for the use of water, heat, light, power or telephone service, supplied to the City or to the inhabitants thereof, and to prescribe the quality of the service.

§ 159. Regulation of street railroads.

(50) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

§ 160. Railroads to keep streets in repair.

(51) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

§ 161. Spur tracks.

(52) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and

enterprises with any line of railroads that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the City, subject to such regulations and conditions as may be prescribed from time to time by the Council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Council.

§ 162. Regulation of poles and wires.

(53) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the City, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the City.

§ 163. Size and location of pipes.

(54) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

§ 164. Elections.

(55) To make all rules and regulations governing elections not inconsistent with this Charter.

§ 165. Civil Service Commission.

(56) To establish a bureau of Civil Service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the Council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the City not excepted by the provisions of this Charter, by the Council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period

of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

§ 166. Civic Art Commission.

(57) To establish a Civic Art Commission and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

§ 167. Park Commission.

(58) To establish a Park Commission, and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

§ 168. Playground Commission.

(59) To establish a Playground Commission and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

§ 169. Commisison of Public Charities.

(60) To establish a Commission of Public Charities and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

§ 170. Municipal ownership.

(61) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

§ 171. Additional powers.

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of the State, with this Charter or with ordinances adopted by the people of the City.

ARTICLE X.

FINANCE AND TAXATION.

§ 172. The fiscal year.

Sec. 50. The fiscal year of the City shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

§ 173. Tax System.

Sec. 51. The Council shall by ordinance provide a system for the assessment, levy and collection of all City taxes not inconsistent with the provisions of this Charter.

The Council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the Assessor of the County in which the City of Berkeley is situated and taxes collected by the Tax Collector of said County for and on behalf of the City of Berkeley. Other provisions of this Charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

§ 174. Department estimates of annual requirements.

Sec. 52. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the Council, the heads of departments, offices, boards and commissions shall send to the Commissioner of Finance and Revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

§ 175. Annual estimate of City's requirements and revenue.

Sec. 53. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the Council, the Commissioner of Finance and Revenue shall submit to the Council an estimate of the probable expenditures of the City government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the City, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

§ 176. Annual budget.

Sec. 54. The Council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts

required to pay the expenses of conducting the business of the City government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office board or commission as the Council may deem advisable.

§ 177. Board of Equalization.

Sec. 55. The Council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until the last Monday in August. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

§ 178. Annual tax levy.

Sec. 56. The Council must, finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the City, subject to the provisions of this Charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the Auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the Auditor as being the assessment roll of said tax.

§ 179. Limit of tax levy.

Sec. 57. The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the City. The Council in making the levy shall apportion not less than thirty-five cents to the School Fund, unless the estimate of the Board of Education calls for a less amount. The remainder of such levy shall be placed in the general fund, which may be apportioned by the Council, except as otherwise provided in this Charter.

§ 180. Bond tax. Library tax.

Sec. 58. The Council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City and to provide for the establishment and support of free public libraries and reading rooms.

§ 181. Cash Basis Fund.

Sec. 59. The Council shall create and maintain a permanent revolving fund, to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose the Council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund be returned thereto before the end of the fiscal year.

§ 182. Tax liens.

Sec. 60. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for City taxes due thereon, the same

shall be struck off and sold to the City, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State and County taxes; and the Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter.

§ 183. Duties of the Auditor.

Sec. 61. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the City from whatever source, including the School Department and the Free Public Library, when allowed by the Council or proper board, shall be signed by the President and Secretary or Clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "Allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the Auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the City, holding money payable into the City Treasury or desiring to pay money therein, certify to the Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the Treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the City Treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the Council the condition of each fund in the Treasury. He shall keep a complete set of books for the City, in which he shall set forth in a plain and businesslike manner, every money transaction of the City, so that he can at any time tell the exact condition of

the City's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this Charter or by ordinance.

§ 184. Money to meet warrants.

Sec. 62. When the running expenses of the City have been placed on a cash basis, warrants payable on demand shall be drawn upon the Treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

§ 185. Disposition of money collected.

Sec. 63. Every officer collecting or receiving any moneys belonging to or for the use of the City shall settle for the same with the Auditor on or before the last day of each month, or at more frequent intervals as may be directed by the Council, and immediately pay all the same into the treasury, on the order of the Auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The Council may provide, in its discretion, for the deposit of the City moneys in banks in accordance with the State law.

§ 186. Uniform accounts and reports.

Sec. 64. The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the City which receive or disburse moneys. Whenever an act shall be passed by the State Legislature calling for uniform municipal reports, the City authorities shall be governed thereby.

ARTICLE XI.

PUBLIC WORK AND SUPPLIES.

§ 187. Form of contracts.

Sec. 65. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City of Berkeley by an officer or officers authorized to sign the same, and must be countersigned by the Auditor, who shall number and register the same in a book kept for that purpose.

§ 188. Progressive payments on contracts.

Sec. 66. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

§ 189. Public work to be done by contract.

Sec. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. Provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the Department of Public Works. In case no bid is received, the Council may likewise provide for the work to be done by the Department of Public Works.

§ 190. Contracts for official advertising.

Sec. 68. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the

contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the Council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

§ 191. Contracts for lighting.

Sec. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

§ 192. Contracts for water.

Sec. 70. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed those charged to other consumers.

§ 193. Hours of labor.

Sec. 71. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the City and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

§ 194. Collusion with bidder.

Sec. 72. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

§ 195. Collusion by bidder.

Sec. 73. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new contract for said work, or provide for such public work to be done by the Department of Public Works.

ARTICLE XII.

FRANCHISES.

§ 196. Property rights of the City inalienable.

Sec. 74. The rights of the City in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this Charter, are hereby declared inalienable.

§ 197. No use of streets without a franchise.

Sec. 75. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under and along any street, highway or other public place in the City unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this Charter.

§ 198. Franchises to use streets.

Sec. 76. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the City for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

§ 199. Applications for franchises.

Sec. 77. (1) An applicant for a franchise or privilege shall file with the Council an application therefor, and there-

upon the Council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the City. The publication of such advertisement must run for ten successive days and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

§ 200. Conditions of grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the City during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, provided that such percentage be not less than two per cent of said gross annual receipts during the first ten years, not less than three per cent during the second ten years, not less than four per cent during the third ten years, and not less than five per cent for the rest of the life of the franchise.

§ 201. Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the Council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; provided that if, in the judgment of the Council, no adequate or responsible bid has been made, the Council may withdraw such franchise from sale or advertise for new bids.

§ 202. Deposit as guarantee of good faith.

(4) Every application and bid for franchises under this

article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the City in connection with the advertising and awarding of such franchise, shall be returned.

§ 203. Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

§ 204. Bond.

(6) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the City to be approved by the Council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the Council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the Council be granted by ordinance to the person, firm, or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any

money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the Council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

§ 205. Life of franchises.

Sec. 78. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other public places of the City may be granted to any person, firm or corporation shall be thirty-five (35) years.

§ 206. Beginning and completion of work.

Sec. 79. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; provided, that if good cause be shown, the Council may by resolution extend the time for completion thereof not exceeding three months.

§ 207. Service and accommodation.

Sec. 80. The grant of every franchise or privilege shall be subject to the right of the City, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

§ 208. Rates and charges.

Sec. 81. The grant of every franchise or privilege shall be subject to the right of the City, whether reserved or not,

to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the City shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the City, without paying therefor and with all the rights of other passengers.

§ 209. Right of City to assume ownership.

Sec. 82. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the City, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the City, without any compensation to the grantee.

§ 210. No conveyance necessary for City's ownership.

Sec. 83. Every ordinance granting any franchise shall further provide that upon the payment by the City of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the City by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the City without any compensation to the grantee, the property and plant of the grantee shall then become the property of the City by virtue of the grant and without the execution of any instrument or conveyance.

§ 211. Lease or assignment of franchise.

Sec. 84. Any franchise granted by the City shall not be

leased, assigned or otherwise alienated without the express consent of the City, and no dealings with a lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

§ 212. Street sprinkling, cleaning and paving.

Sec. 85. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the City for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

§ 213. Examination of company's books. Audit.

Sec. 86. The City of Berkeley, by its Auditor, Deputy Auditor, or accountants authorized by the Auditor, or by the Council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the City for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the City or of such person, firm or corporation arising from this Charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

§ 214. Annual reports of company.

Sec. 87. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the City Auditor on such date as shall be fixed by the Council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as

the Council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the Council of all the gross receipts arising from all the business done by said person, firm or corporation within the City of Berkeley for the year immediately preceding such report. Such report shall contain such further statements as may be required by the Council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

§ 215. Payment of gross receipts.

Sec. 88. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

§ 216. Forfeiture for non-compliance.

Sec. 89. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

§ 217. Reservation for belt lines.

Sec. 90. No exclusive right or privilege shall ever be granted by the City or Council in, to or upon the bed of the Bay of San Francisco beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the waterfront; and any franchise or permit for a railroad track in, over or upon the bed of the Bay of San Francisco shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

§ 218. Franchise not in use forfeited.

Sec. 91. All franchises and privileges heretofore granted by the City which are not in actual use or enjoyment or

which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE XIII.
THE INITIATIVE.

§ 219. Direct legislation.

Sec. 92. (1) Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the City equal in number to the percentage hereinafter required.

§ 220. Provisions of Section 5 apply.

(2) The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

§ 221. Fifteen per cent petition.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the Council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of Article XIV of this Charter); or,

(b) Within twenty-five days after the Clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the Council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

§ 222. Five per cent petition.

(4) If the petition be signed by electors equal in number to at least five, but less than fifteen, per centum of the entire

vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and said ordinance be not passed by the Council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

§ 223. Publication of Popular Ordinance.

(5) Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the City at any election either (a) the Council shall cause the ordinance or proposition to be printed and it shall be the duty of the Clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the Council may order such ordinance or proposition to be printed in the official newspaper of the City and published in like manner as ordinances adopted by the Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

§ 224. Election.

(6) The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

§ 225. Several ordinances at one election.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

§ 226. Limit to special elections.

(8) There shall not be held under this article of the Charter more than one special election in any period of six months.

§ 227. Repeal of popular ordinance.

(9) The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

§ 228. Further regulations.

(10) The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 5 of Article III thereto.

ARTICLE XIV.

THE REFERENDUM.

§ 229. Mode of protesting against ordinances.

Sec. 93. No ordinance passed by the Council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the Council; provided, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the City equal in number to at least ten per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as is provided in Article XIII of this Charter, to the vote of the electors of the City, either at the

next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

§ 230. Reference of measures to popular vote.

Sec. 94. Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this Charter for ordinances or measures submitted on petition. At any special election called under the provisions of this Charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict then the measure receiving the highest affirmative vote shall control.

§ 231. Further regulations.

Sec. 95. The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this Article, and to adapt the provisions of Section 5 of Article III thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

§ 232. The Board of Education.

Sec. 96. The Board of Education shall have entire control and management of the public schools in the City in accordance with the Constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this Charter and by the general laws of the State for City Boards of Education.

§ 233. President of the Board.

Sec. 97. The Board of Education shall annually elect one of its own members to be President of the Board. He may be removed by the affirmative vote of four members. The President shall have no other vote than his vote as member of the Board.

§ 234. Meetings.

Sec. 98. The Board of Education shall meet at such times as may be designated by resolution of said Board and in the place provided therefor by the Council. The Board shall provide the manner in which special meetings shall be called.

§ 235. Quorum.

Sec. 99. Three members of the Board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the Board may prescribe.

§ 236. Rules of proceedings.

Sec. 100. The Board of Education may determine the rules of its proceedings.

§ 237. Meetings to be public.

Sec. 101. All meetings of the Board of Education shall be public.

§ 238. Superintendent of Schools.

Sec. 102. The Board of Education shall appoint a Superintendent of Schools and fix his compensation.

§ 239. Powers and duties of the Superintendent.

Sec. 103. The Superintendent of Schools shall be the executive officer of the Board of Education and he shall give his full time to the duties of his office. He shall be subject only to the Board of Education and all orders of the Board relating to the direction of the principals, teachers, and janitors shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the Board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a Deputy Superintendent, may be required to act as Secretary of the Board of Education.

§ 240. Powers of Superintendent with reference to teachers.

Sec. 104. The Superintendent of Schools shall nominate and recommend all teachers and principals for election by the Board of Education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

§ 241. Election of teachers.

Sec. 105. The Board of Education shall elect all teachers, but only from a list of candidates nominated and recommended by the Superintendent of Schools. The Board of Education may make rules in accordance with which the Superintendent must make such nominations and recommendations.

§ 242. Tenure of teachers.

Sec. 106. For the first two years of their service in the School Department of the City, teachers shall be subject to annual election. After two years' service they shall be elected for a term of three years.

§ 243. School warrants.

Sec. 107. Every claim payable out of the School Fund shall be filed with the Secretary of the Board of Education, and after it shall have been approved by the Board a certificate of such approval shall be endorsed thereon, signed by the President and Secretary, and a warrant upon the School Fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the President and countersigned by the Secretary and shall specify the purpose for which it is drawn and receive the approval of the Auditor as provided in Section 61.

§ 244. Annual estimate of expenses.

Sec. 108. The Board of Education shall annually, on such date as shall be fixed by the Council, submit in writing to the Council a careful estimate of the whole amount of money to be received from the State and County for the support of the public schools in the City, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the City for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the City shall, subject to the

provisions of this Charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the School Fund of the City, to be drawn out only upon the order of the Board of Education.

ARTICLE XVI.

MISCELLANEOUS.

§ 245. When this Charter takes effect.

Sec. 109. For the purpose of nominating candidates and electing Mayor, Auditor, Councilmen and School Directors in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1909.

§ 246. First election under this Charter.

Sec. 110. The Board of Trustees of the Town of Berkeley in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

§ 247. Terms of incumbents in office.

Sec. 111. The members of the Board of Trustees, the Auditor, and the members of the Board of Education in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the Mayor, Auditor, Councilmen and School Directors, respectively, first elected under this Charter.

The term of each of all the other officers in office at the time this Charter takes effect shall cease and terminate when the Council first elected hereunder shall by resolution so declare.

§ 248. Existing ordinances continued in force.

Sec. 112. All lawful City ordinances, resolutions and regulations in force at the time this Charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

§ 249. Conduct of legal proceedings.

Sec. 113. The City Attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this Charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City may be legally interested; provided, the Council shall have control of all litigation of the City and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein.

§ 250. Violation of Charter and ordinances.

Sec. 114. The violation of any provision of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this Charter or of an ordinance may be imprisoned in the City jail, or, if the Council by ordinance shall so prescribe, in the county jail of the county in which the City of Berkeley is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Berkeley.

CERTIFICATE.

§ 251.

Whereas, The Town of Berkeley, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-first day of November, nineteen hundred and eight, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect R. A. Berry, C. A. Blank, J. W. Flinn, F. W. Foss, John M. Foy, Beverly L. Hodghead, Christian Hoff, William Carey Jones, E. E. Newton, J. T. Renas, J. W. Richards, J. T. Short, J. L. Tisdale, Benjamin Ide Wheeler and S. N. Wyckoff a Board of Fifteen Freeholders to prepare and propose a Charter for said city;

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said Board of Freeholders has prepared and

does propose the foregoing as and for the Charter of the City of Berkeley, and that in submitting and proposing such Charter, the Board of Freeholders, pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the Charter, an alternative proposition hereinafter stated.

Said alternative proposition shall, if approved by the voters, take the place of subdivision 29 of Section 49, Article IX of the proposed Charter, which reads as follows: "To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the City; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the Charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition, prohibiting the sale of liquor, take the place of subdivision 29, Section 49, Article IX?"

Said alternative proposition is as follows:

§ 252. ALTERNATIVE PROPOSITION.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the City; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; provided, however, that the Council shall have no power to license the sale of any spirituous, malt, vinous or alcoholic liquors; and every person who, within the boundaries of the City of Berkeley, sells, barters, gives away or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. Nothing in this section shall prevent the Council from regulating the sale of such liquors by a regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this fourteenth day of December, one thousand nine hundred and eight.

WM. CAREY JONES, President;
R. A. BERRY
C. A. BLANK
F. W. FOSS
JOHN M. FOY
BEVERLY L. HODGHEAD
C. HOFF
E. E. NEWTON
J. T. RENAS
J. W. RICHARDS
J. T. SHORT
J. L. TISDALE
BENJ. IDE WHEELER
S. N. WYCKOFF

Attest:

J. W. FLINN, Secretary.

§ 253.

State of California,
County of Alameda, Town of Berkeley, } ss.

I, Francis Ferrier, President of the Board of Trustees of the Town of Berkeley, State of California, do hereby certify that the Board of Freeholders, whose names appear signed to the foregoing proposed Charter, were on the 21st day of November, 1908, at a special municipal election held in said town of Berkeley on said day, duly elected by the qualified electors of said town to prepare and propose a charter for said town; that each of said freeholders has been a qualified elector and freeholder in said town for more than five (5) years previous to said election; that the foregoing is a true copy of said Charter prepared and returned to me as President of said Board of Trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Berkeley Reporter" and in "The Berkeley Independent," which then were daily newspapers of general circulation in said town, and that publication was made for more than twenty (20) days, and that the first publication of said proposed Charter was made within

twenty (20) days after the completion of said Charter; that within thirty (30) days after the publication of said Charter, as required in said Section 8, to wit,—on the 30th day of January, 1909, said Charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed Charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained, being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for subdivision 29 of Section 49 of Article IX of said proposed Charter; that the returns of said election were duly canvassed by the Board of Trustees of said Town of Berkeley on the 3d day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the Charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said Town of Berkeley to be affixed this 3d day of February, 1909.

FRANCIS FERRIER,
(SEAL) President of the Board of Trustees of the Town of Berkeley.

Attest: J. V. MENDENHALL,
Town Clerk of said Town of Berkeley.

§ 254.

Chapter 17. Assembly Concurrent Resolution No. 10. Approving the Charter of the Town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified electors of said town at a special municipal election held therein for the purpose on the 30th day of January, 1909.

§ 255.

Whereas, the Town of Berkeley, a municipal corporation of the County of Alameda, State of California, now is and was at all times herein referred to a city containing a

population of more than ten thousand (10,000) inhabitants; and

§ 256.

Whereas, at a special election duly held in said town on the 21st day of November, 1908 under and in accordance with law and the provisions of Section 8 of Article XI, of the Constitution of the State of California, a Board of Fifteen Freeholders, duly qualified was elected in and by said Town by the qualified electors thereof to prepare and propose a charter for the government of said town; and

§ 257.

Whereas, said Board of Freeholders did within ninety (90) days after said election prepare and propose a Charter for the government of said Town of Berkeley; and

§ 258.

Whereas, said Charter was on the 14th day of December, 1908, signed in duplicate by the members of said Board of Freeholders and was thereupon duly returned and filed, one copy with the president of the Board of Trustees of said Town of Berkeley and the other copy with the County Recorder of said County of Alameda and filed in the office of said Recorder; and

§ 259.

Whereas, said proposed Charter was thereafter published in the "Berkeley Reporter" and in "The Berkeley Independent," each being a newspaper of general circulation in said Town of Berkeley, and said Charter being published as aforesaid for a period of more than twenty (20) days the first publication thereof being made within twenty (20) days after the completion of said Charter; and

§ 260.

Whereas, said proposed Charter was within thirty (30) days after the completion of said publication submitted by the Board of Trustees of the Town of Berkeley to the qualified electors of said Town of Berkeley at a special election previously duly called and therein held on the 30th day of January, 1909;

§ 261.

Whereas, at said last mentioned special election, a majority of said qualified electors of said Town of Berkeley,

voting at said special election voted in favor of the ratification of said Charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for subdivision 29 of Section 49, Article IX of said proposed Charter; and

§ 262.

Whereas, said Board of Trustees after canvassing said returns found and decided that the majority of said qualified electors voting at said special election had voted for ratifying said Charter as above specified; and

§ 263.

Whereas, the same is now submitted to the Legislature of the State of California, for its approval and ratification as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; and

§ 264.

Whereas, said Charter was ratified in the words and figures following, to-wit: (Then follows the context of Charter, as hereinbefore set forth).

§ 265.

And, whereas, said proposed Charter, with said alternative proposition so ratified, has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

§ 266.

RESOLVED BY THE ASSEMBLY OF THE STATE OF CALIFORNIA, THE SENATE THEREOF CONCURRING (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein) that said Charter of the Town of Berkeley, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said town, be, and

the same is hereby, approved as a whole as and for the Charter of the said Town of Berkeley.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Attest: C. F. CURRY,
Secretary of State.

Endorsed and filed in office of Secretary of State, the fourth day of March, A. D. 1909, at 10:50 a. m.

C. F. CURRY,
Secretary of State.
J. HOESCH,
Deputy.

§ 267.

State of California,
County of Alameda, Town of Berkeley. } ss.

I, Francis Ferrier, President of the Board of Trustees and chief executive officer of the Town of Berkeley, County of Alameda, State of California, hereby certify that the foregoing is what is proposed to be a copy of the Charter of the City of Berkeley which was delivered to me as stated in the preamble attached hereto, the same as required in Section 8 of Article XI of the Constitution of the State of California, that the statements contained in said preamble and in the certificate attached to and following said charter are true; that the said Charter has been submitted to the electors of the Town of Berkeley and has been ratified by them and that said Charter has been approved by the Legislature of the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said town of Berkeley to be affixed this eleventh day of March, 1909.

FRANCIS FERRIER,
President of the Board of Trustees of the Town of Berkeley.

Attest: J. V. MENDENHALL,
Town Clerk of said Town of Berkeley.

(SEAL)

M 29247
BCT. Indexed

Recorded at the request of the Town of Berkeley at 35 minutes past two p. m., March 11, 1909, in liber 36, page 113, Miscellaneous Records of Alameda County.

A. K. GRIM,
County Recorder.

THE UNIVERSITY OF CALIFORNIA.

By Prof. William Carey Jones,
A Member of the Faculty.

The formal act legally establishing the University of California, known as the Organic Act, or Charter, and passed by the State Legislature, was approved by the governor on March 23, 1868. This date is annually celebrated as the birthday of the University with appropriate academic ceremony. The occasion is usually marked by the delivery of an address by some distinguished person in the Greek Theater.

Back of this date in 1868 three forces, which then culminated in the University of California, had long been at work. The first force originated in private initiative, the second in State sentiment, the third in the policy of the national government.

Uninterrupted college instruction began in the College of California, which opened its doors in Oakland in 1860. This institution was of the traditional American, Christian, but undenominational, type of college. Six classes were graduated from it during the years from 1864 to 1869. This college secured for its permanent home a tract of one hundred and sixty acres, now enlarged to some two hundred and fifty, five miles north of Oakland. In 1860 this spot was formally dedicated to the purposes of education, and in 1866 the surrounding town-site was given the name of Berkeley.

The Constitutional Convention of 1849 made various provisions which looked to the ultimate establishment of a State University. Allotment of public lands and public funds was turned in that direction. In 1853 Congress gave to the State 46,080 acres for a seminary of learning, and in 1862 California's share coming under the great Morrill Act was 150,000 acres.

In the sixties, then, these three influences converged. In 1866 a bill was passed by the State Legislature devoting the

federal land grants to a polytechnic school. In 1867 the trustees of the College of California made a proposition to turn over to the State the matchless domain at Berkeley, together with other valuable assets, provided the State would build upon this site a University of California, merging in the foundation thereof all State and federal grants, and embracing in its educational organization classical, scientific and technical colleges. All this was accomplished and took permanent form on March 23, 1868. The new Constitution in 1879 reaffirmed in its entirety the legislative enactment of 1868.

The University has always endeavored to stand in vital and useful relation to the manifold activities of the State. This has been conspicuously true with respect to the work of the College of Agriculture. Through Farmers' Institutes, through bulletins and through professional visits to farm, garden, orchard and vineyard, the University is constantly ready to render aid, advices and instruction in order to relieve agricultural emergencies and to solve agricultural problems in the State. The acquisition of a farm of seven hundred and seventy-nine acres in the Sacramento Valley, and of the great Kearney domain in the San Joaquin Valley, valued at a million and a half of dollars, through the generous provision of the late M. Theo. Kearney, has greatly enlarged the scope of the University's work in agriculture.

The University of California has been a leader in the plan of accrediting high schools, and its system has been regarded as a model. The main purpose of the University herein has been from the first to aid in unifying the whole system of secondary and higher education throughout the State.

University extension lectures have been given since 1891, and since 1902 there has been a regularly organized Department of University Extension, with a corps of instructors whose duties are mainly or entirely devoted to this field of work.

Since 1899 there has been held at Berkeley annually a summer school of large and general scope. A large corps of instructors is engaged from American and European universities. Each session is made conspicuous by the presence of several world-famous lecturers and specialists. Teachers and students, not only from California but from

all parts of the country, resort hitherto to take advantage of these exceptional opportunities in an unexcelled climate. The resident of Berkeley has likewise throughout the year the benefit of lectures not only by the professors of the University but by persons from abroad who are engaged to give special courses.

On the campus at Berkeley there had been erected from time to time such buildings as the occasion imperatively demanded. They were of greater or less permanence and of varying styles of architecture. In 1896, at the suggestion of Mr. B. R. Maybeck, then instructor in architectural drawing, a proposition looking to a general building scheme was introduced into the Board of Regents and fostered there and thereafter by Regent J. B. Reinstein. A resolution was adopted by this board to have a program for a permanent and comprehensive system of buildings thrown open to international competition. Before this resolution was put into effective operation it came to the notice of Mrs. Phoebe A. Hearst, who had then in contemplation a building at the University in memory of her husband, the late Senator George Hearst. Mrs. Hearst at once wrote to the board, expressing her desire to promote the proposed competition and requesting permission to defray all the expenses thereof. This noble and munificent offer was enthusiastically accepted.

A Board of Trustees of the Phoebe A. Hearst Architectural Competition was, at Mrs. Hearst's request, appointed, consisting of Governor James H. Budd, Regent J. B. Reinstein and Professor William Carey Jones. Two competitions were held, a preliminary one at Antwerp and a final one at San Francisco. Of one hundred and five plans presented at the first competition, eleven were selected by the international jury of architects for the final contest. The second contest resulted in the award of first prize to M. Emile Bénard of Paris.

To adapt and carry out the Bénard plan the Board of Regents appointed Mr. John Galen Howard to be supervising architect of the University. The first structure completed in execution of this plan was the Greek Theater, the gift of Mr. William Randolph Hearst. The Greek Theater is an open-air auditorium of great and unique beauty, lying

in a hollow of the hills and surrounded with trees. It seats over 7,000 persons and possesses perfect acoustic properties. It is used for greater university occasions, and for musical and dramatic performances, both in the daytime and in the evening. The symphony concerts held therein have become an important feature in the life of the community. The second building to be completed in accordance with this scheme was California Hall, erected through appropriations made by the State Legislature and devoted to lecture rooms and the administration offices. The structural elements of this building and of all others in the plan are a steel frame and beautiful and solid blocks of granite set in the best of concrete.

The third building of this new system is the majestic and monumental Hearst Memorial Mining Building, erected and equipped at the sole expense of Mrs. Hearst, and supplying the mining department with unsurpassed accommodation. A fourth building, now in course of construction, is the Doe Library, a magnificent structure, to contain spacious reading rooms and stacks for a million volumes, generous provision for which was made by the late Charles Franklin Doe of San Francisco. Work has also been begun on the erection of a law building, the Boalt Memorial Hall of Law. Mrs. Elizabeth Boalt, widow of the late John H. Boalt, has given $100,000 for this purpose, and the lawyers of San Francisco have contributed over $50,000 additional. It will contain lecture rooms, a large reading room, and library space for one hundred thousand volumes.

During the past ten or twelve years Mrs. Hearst has expended on the perfecting of this architectural plan not less than $200,000. The cost of the buildings already erected or in course of construction is nearly two million dollars. In the course of time all the older buildings on the campus will be replaced by structures erected in accordance with the Hearst architectural scheme. It will constitute the noblest group of academic buildings in the world.

Outside the revenue derived from permanent endowments, from State, national and private sources, the income of the University comes from an annual State tax. In 1887 the State Legislature provided for the annual levy of one cent on each one hundred dollars of the taxable property in the

State. In 1897 this revenue was doubled by the additional levy of another cent on one hundred dollars. In 1909 the State tax for the support of the University was fixed at three cents on the one hundred dollars.

The first President of the University was Henry Durant, who had been the moving spirit in the foundation of the College of California. He was followed by John Le Conte, Daniel Coit Gilman, who resigned to take the presidency of Johns Hopkins University in Baltimore; William T. Reid, Edward S. Holden, Horace Davis, and Martin Kellogg. In 1899 Benjamin Ide Wheeler was called from Cornell University and has filled the office of President of the University of California since then with distinguished ability.

The University as now constituted consists of the colleges of Letters, Social Sciences, Natural Science, Commerce, Agriculture, Mechanics, Mining, Civil Engineering, and Chemistry, Courses in Architecture and Law (Department of Jurisprudence), and the summer session, in Berkeley; La Jolla Marine Biological Station, near San Diego; the Lick Astronomical Department (Lick Observatory), at Mt. Hamilton; the San Francisco Institute of Art, the Hastings College of Law, the Medical Department, the Dental Department, and College of Pharmacy, in San Francisco; the University Farm, at Davis; the Kearney Estate, at Fresno; Agricultural Experiment Stations, at Tulare, Riverside, Whittier, and Ceres; Forestry Stations at Santa Monica and Chico; Viticultural Stations, at Fresno, Napa, Livermore, Mountain View, Lodi, Sonoma, Geyserville, and Cucamonga; Poultry Experiment Station at Petaluma; University Extension, with eleven centers in various parts of the State.

The growth of the University will be observed by looking at the number of students given by decades; in 1869, 40; in 1879, 462; in 1889, 701; in 1899, 2,660; in 1909, 3,396. The number of officers of instruction and administration in all departments of the University in 1909 is 525.

INDUSTRIAL BERKELEY—THE PRESENT AND THE FUTURE.

BY WELLS DRURY,
Secretary of the Berkeley Chamber of Commerce.

Berkeley's manufacturing and industrial interests have almost doubled in importance during the last five years,—in the output of product, number of men employed and capital invested.

Owing to the comparatively low prices for land near the water front and along the transcontinental railroads that pass through Berkeley, a number of large concerns that require much space, have chosen this place for their operations. All of these establishments are growing, and there is not the slightest indication that any of them will cease to expand during the years to come, as the demand for products is on the increase, to keep pace with the growth of population.

It is a striking fact that in ten years the population of Berkeley has increased from 13,000 to more than 42,000. This, of course, is due to all the elements of prosperity that are here present. The new industrial features have their effect, but the most potent influence for prosperity is the high standard held to by the people in directing all the affairs of life. This is another proof of the proposition that it pays to be progressive, not only commercially and industrially, but also in those things which tend to good citizenship.

Berkeley has never been afflicted with a boom, but the growth has been steady. So gradual has been the increase that the outside world gave little heed to it. From the City Auditor's report a tabulated statement of Berkeley's population for the past decade will prove interesting and instructive:

1899	13,126
1900	14,000
1901	15,042
1902	16,001
1903	18,047
1904	20,007
1905	23,378
1906	26,283
1907	38,117
1908	42,195

Berkeley's commercial establishments have kept pace with the growth of its manufactures. At the present time there are a number of good stores that afford ample opportunity for shopping. All the requirements of life are supplied, and these institutions are adding to their resources. Their stocks are ample and their prices are advantageous to buyers.

The very latest step in advance taken by Berkeley is the adoption of the new Charter, an instrument so excellent in its provisions that the favorable attention of thinkers and legislators is drawn to this community. Experts in municipal government declare this Berkeley Charter to be the best yet drawn in America for the purpose of safe-guarding the rights of the people, and securing a clean, able, economical, representative administration of community affairs. This Charter has supplemented the provisions of the State law (which forbids the sale of liquor within a mile of the State University), by banishing the saloon from our City altogether. Good government attracts good citizens, and there can be no doubt that the enviable prominence of our city will call hither many desirable families. This is additional to the drawing power of the University. That magnificent institution is one of the substantial assets of our people, and properly may be considered as an element of value in the selling price of every building lot in this community. It is indisputable that from the beginning the dominant, indeed the paramount influence in Berkeley life has been the high standard of right living emanating from the University. That influence yet maintains its hold upon the people with undiminished power. Others will deal with the history of the University, its development and its destiny. The purpose of this article is merely to point out its value in dollars and cents to those whose interests are centered here.

Closely allied with this thought is appreciation of the spirit of refinement that pervades the atmosphere of the community. This, also, is a substantial and valuable asset to be reckoned in making up the city's inventory of desirable possessions. Quite naturally the religious sentiment of the people is manifested by the different orthodox congregations that are so well represented in this community.

The local transportation facilities of Berkeley are admirable, and the accommodations in this regard are being

augmented constantly. Several new franchises have been granted recently. When these lines are completed Berkeley's local and interurban car service will be unexcelled on the Pacific Coast. The Oakland Traction Company has just completed changes that will afford quicker transit between here and the other parts of Alameda County, with special reference to Shattuck Avenue's business interests.

The entire system of the Southern Pacific Company on this side of the bay is being transformed, and soon will be operated by electric power, this form of propulsion being already in use by the Key Route cars. Our ferry system between this city and San Francisco is first class. Each twenty-four hours 111 passenger trains enter Berkeley from San Francisco, and an equal number, of course, leave for that point. In one month last year the ferries between San Francisco and Alameda County carried 2,332,375 passengers, the total for the year being more than twenty-seven and a half million. Of these Berkeley contributed its full share. This year the travel is reported to be even greater.

Convenience of ingress and egress enjoyed by the people of Berkeley must be assigned as an additional advantage of more than passing significance in a well ordered life. These facilities virtually make all the surrounding places merely tributary suburbs of Berkeley, for the dweller in this city may enjoy the advantages of metropolitan amusements, while maintaining a home amid sylvan surroundings—a place that fills all the requirements for human habitation. Right here it may be recalled that Berkeley's popularity as a dwelling place is no new thing. This character was stamped on the locality long before the advent of the white man—a point abundantly and conclusively proved by the discovery of a great number of Indian mounds in this immediate vicinity. In no other part of the bay region are there so many evidences of aboriginal occupancy. Those autochthonous tribes were absolutely free to pick and choose—the entire country being open to their selection—and it is patent that by coming here in such vast numbers they evinced a keen appreciation of the advantages of the locality. Swayed solely by considerations of personal comfort as measured by climatic conditions, and having no other object to be conserved, they made this place the center of

population. In those prehistoric days, when the commuters of San Francisco yearned for the attractions of the metropolis, they were compelled to charter a canoe or a raft and take a trip to this, the right side of the bay. They swarmed upon the strip of land now known as the site of Berkeley, preferring this spot above all others, because here they found a most delightful abiding place.

It cannot be said too often nor with too great emphasis that all these considerations combine to proclaim Berkeley the ideal home city of California.

PICTURESQUE BERKELEY.

By CHARLES KEELER.

Gently sweeping from the eastern shore of San Francisco Bay, directly opposite the Golden Gate lies a plain. At a distance of some three miles from the water it has ascended to an elevation of between two and three hundred feet, when it rises abruptly in the rolling contour of the Berkeley Hills. These are piled up in graceful outlines to a summit over seventeen hundred feet in height, known as Grizzly Peak, and a number of cañons worn out by the streams which wind joyously down to the sea, furrow the hill slopes.

In the lower and more open parts of the cañons flourish the venerable live-oaks with their picturesque, sprawling trunks and branches, upholding the rounded close-set foliage of fine dark leaves. Higher up, and in the more confined portions of the cañons, grow the laurels or bay trees, fragrant, and linked in association with the spirit of ancient Greece. The exposed slopes of the hills are bare of trees except for occasional patches planted with that strange exotic, now dear to all Californians as a feature in the landscape—the Australian eucalyptus. Save for these groves, the hills in summer-time are sere and brown, with purple shadows in the cañon creases, and when overhung with fog present a scene at once grave and tender in its beauty.

With the first autumn rains the green grass starts into life, and by mid-winter the hills are adorned with brilliant verdure. Soon the flowers start forth, and when the eastern fields are deep in snow, the Berkeley hills are strewn with

gold patches of California poppies and buttercups and blue masses of lupines and blue-eyed grass.

Such, then, is the site so wisely chosen by the founders of the University of California for a great institution of culture. From the spacious campus (of nearly four hundred acres) we look forth over the blue waters of San Francisco Bay, with Mount Tamalpais to the north of the Golden Gate and San Francisco upon its many hills to the south. Here we may look upon the ships entering and leaving this matchless harbor—vessels of sail and steam bringing the Orient and Antipodes in touch with this westernmost part of Occidental civilization.

And around the broad acres of varied hill and plain, of live-oak glades and open meadow set apart for the University of California, where a noble group of granite buildings is now replacing the outworn structures, Berkeley has grown from a country village to a city of homes. As I write upon this joyous spring morning, the birds are singing in the gardens, and many of the houses are almost lost to sight in the glory of rose vines and clematis crowded with blossoms. But a few years ago the view from the Berkeley Hills was of a broad plain cut up in a checkerboard pattern by grain fields with a sprinkling of houses here and there. To-day the open spaces are few and far between, and the beholder looks down upon groups of homes and buildings, shoulder to shoulder from the hills to the Bay shore, and melting imperceptibly into the adjoining city of Oakland.

It is not strange that people are flocking to Berkeley in increasing numbers. A city without saloons, aloof, and yet near a great metropolis (for 'tis but a thirty-five minutes trip by electric train and ferry to San Francisco) upon a site so beautiful and so healthful, so thrilling in its outlook upon the highway of world commerce, could not but appeal to people of imaginative minds, to people possessing and seeking culture and refinement. Of such are the inhabitants of Berkeley, and in sight of this inspiring outlook will they grow in grace and service with the years.

PHENOMENAL GROWTH SHOWN BY POSTAL FIGURES.

By C. S. MERRILL, Postmaster.

Probably no department of our city affords a more accurate index of the progress of the community than the Post Office. Thirty years ago the Berkeley Post Office was established and Doctor S. S. Merrill, father of the present incumbent, was Postmaster. The town was small, but owing to the presence of the University, the mail was large in proportion to the population.

From its first inception to the memorable year 1906, the growth was steady and strong. On March 31, 1906, the force in Berkeley Post Office and the two branches (West and South Berkeley), consisted of the Postmaster, Assistant Postmaster, nine clerks and seventeen carriers. On May 1, 1906, five additional clerks and five carriers were added to the force and during the subsequent period, ending September 30, 1907, the force was increased by the department and on that date, when the present Postmaster assumed the office, comprised twenty-five clerks and twenty-five carriers.

Since September 30, 1907, there have been added two clerks and seven carriers, until the entire force now on the payroll of our local office numbers seventy employees and the aggregate amount of our payroll on July 1, 1908, was $52,800 per annum.

On March 31, 1905, the receipts for the preceding year having exceeded $40,000, the office was placed in the rank of an office of the first class and the business has since gone ahead with leaps and bounds. The gross receipts for the year ending March 31, 1906, were $55,583.31.

Those for the year ending March 31, 1907, were $102,748.55.

Those for the year ending March 31, 1908, were $ 99,668.32.

Those for the year ending March 31, 1909, were $108,162.33.

The population of Berkeley has increased enormously, as clearly demonstrated, not only by the increase in postal receipts for the current year, but by the statistics from the office of the Building Inspector, showing that 1097 building permits were issued for the eleven months ending November 30, 1908, aggregating $2,264,000 in valuation.

The great register of voters of Alameda County shows 5,446 voters registered from Berkeley in 1906 and 8,430 in 1908—a gain of 3,000 voters, or approximately 17,000 inhabitants in two years' time.

In presenting the gross receipts of the office, I have not included the business of the Money Order Division, which shows the same marked increase as do the other departments.

A summary of this branch shows as follows:

Money orders issued for the year ending March 31, 1906—17,031 of the aggregate value of $125,891.49; money orders paid, 18,917; amount, $282,132.72.

Money orders issued for the year ending March 31, 1907—25,769, of the aggregate value of $244,926.45; money orders paid, 38,691; amount, $547,872.27.

Money orders issued for the year ending March 31, 1908—29,191, of the aggregate value of $305,382.68; money orders paid, 41,508; amount, $561,846.07.

Money orders issued for the year ending March 31, 1909—50,050, of the aggregate value of $435,952.64; money orders paid, 40,008; amount, $508,615.20.

During the present year there has been placed on deposit in the Berkeley Post Office by means of orders payable to "self" the sum of $11,552, as compared with less than $100 during any previous year. This remarkable showing seems to indicate a growing tendency on the part of the public to make the Post Office its banker, despite the fact that not only is there no interest paid on deposits, but, on the contrary, a fee is charged for issuing money orders.

By reference to our registry department, also, we are met with additional proof of the growth of our city, through the great increase in the number of pieces of mail registered, as follows:

For the year ending March 31, 1906, 22,248 pieces.
For the year ending March 31, 1907, 23,967 pieces.
For the year ending March 31, 1908, 26,889 pieces.
For the year ending March 31, 1909, 30,668 pieces.

The special delivery service of this office is probably not excelled in any other of Uncle Sam's 61,159 post offices. Our work is performed with the aid of the motorcycle and delivery is prompt and rapid.

In compiling certain statistics in 1907, the department required an accurate account to be made at each post office of the number of pieces of mail matter dispatched during the seven days from October 13th to 19th, inclusive, resulting at the Berkeley office as follows:

	Pieces
Letters dispatched	47,787
Postal cards dispatched	13,985
2nd class matter dispatched	17,535
3rd class matter dispatched	3,133
4th class matter dispatched	688
Franked matter dispatched	1,993
Total for seven days	86,121

On this basis it is estimated that the Berkeley office handles in the neighborhood of 4,500,000 pieces of mail per annum.

OLDER BERKELEY.

By Warren Cheney.

The beginnings of Berkeley were much the same as those of other cities about the Bay. The first inhabitants were the Indians, who seem to have used its sunny slopes as a picnic ground where they came for clam-bakes and various feasts. The great mounds of shells which they left as records speak eloquently of the delight of living which drew them—as it still draws outdoor people continuously to-day—to linger within its boundaries.

The Indians were displaced by the Spaniards, and their cattle roamed the hills of their wide holdings all through "the idle sunny forties" with scarcely more of responsibility or desire of progress on the part of their owners than when the inhabitants were red. But out of this incubation period grew the American occupation, the slow displacement of the Spanish by Yankee thrift and push, which was the real beginning of Berkeley as a town.

In those days, what is now San Pablo Avenue was the main highway of travel between Oakland and the north, and between it and the Bay, with University Avenue as a cross-artery, there grew up a struggling settlement which took on the name of Ocean View. The establishment of the site of

the University of California against the eastern hills first gave the town the name of Berkeley, which it has since borne, and the University tradition of simple living and high thinking which the college people brought into the place has been the keynote of its spirit ever since.

The first incorporation as a town came by act of the Legislature of 1878, and went into effect on the fourth of April, 1879. From the beginning the dominant spirit was that it made no difference what a man's politics were, if he was otherwise the best man to fill the place. The first Board of Trustees was elected on this principle. One of its members could not read or write his name. One was a man of the broadest refinement and university culture; but all were men of shrewd business character and judgment, and worked at the making of the town with the ever-present fear on their hearts that it should not be established "right." The dominant spirits were Abel Whitton and A. H. Broad, and the traditions they impressed upon the government were the traditions of the town for many years. Like wisdom governed the choice of the first Board of School Trustees, and to Martin Kellogg, George Dornin, Henry W. Palmer and George W. Kline belongs the credit for the sane and perfect school system which from the beginning has been Berkeley's best offering to the world. The tradition once established persisted as new men came in, and it was not until ten years ago that State and county politics were able to draw the line and segregate the opposing factions at elections into the organizations under the national party designations. When the first Charter was adopted, Berkeley had two thousand inhabitants. Its business was done by an unpaid town board, and this simplicity of governmental mechanism has persisted until now its first salaried Mayor and Board of Commissioners will come in with the new Charter noted in this book, and that only because its growth to a population of fifty thousand has brought an increase in the amount of its business affairs which requires that its officers give their whole time to the conduct of its interests.

CONSTITUTIONAL PROVISIONS AND THE CHARTER.

BY PROFESSOR WILLIAM CAREY JONES.

Cities in California are allowed by the State Constitution to exercise a large measure of home rule. Section 8 of article XI provides in substance that any city containing a population of more than 3,500 inhabitants may frame a charter for its own government, consistent with and subject to the Constitution. The procedure provided is for the voters of the city to elect a board consisting of fifteen freeholders, who shall have been qualified electors of the city for at least five years. This board shall within ninety days after its election prepare and propose a charter for the city. The charter shall then be published in two daily newspapers of general circulation in the city for at least twenty days, the first publication being made within twenty days after the completion of the charter. Within thirty days after such publication the charter shall be submitted to the approval of the qualified electors of the city at either a general or special election. If approved by a majority of the electors voting thereon, it shall then be submitted to the State Legislature for its approval or rejection as a whole, without power of alteration or amendment. The approval of the Legislature is made by concurrent resolution, without requiring the signature of the Governor. If the charter receives a majority vote of the two houses, it thereupon becomes the organic law of the city and supersedes all laws inconsistent therewith. While it is doubtless within the competence of the Legislature to reject a charter, such procedure is unknown, all charters submitted being ratified as a matter of course.

Amendments may be made to charters at intervals of not less than two years. Such amendments may emanate from the legislative body of the city, or from the people through a petition signed by not less than fifteen per cent of the voters of the city. Whichever their origin, they must be published for twenty days in a newspaper of general circulation, then submitted to the electors of the city for approval, and finally ratified by the Legislature as in the case of charters.

The Constitution also provides that in submitting a charter or amendments, any alternative proposition or article may be

presented to the choice of the voters of the city to be voted on separately without prejudice to other provisions.

Section 8, which we have been considering, originally incorporated in the Constitution as it was adopted in 1879, has been amended four times, always with a view to giving larger liberty to the local community. There are still, however, at least two respects in which this provision should be amended in order properly to accomplish its purpose. In the first place, as the law stands, the calling of an election to determine whether a new charter shall be framed for the city is entirely dependent on the will of the council. This should be amended so that if such an election is demanded by a certain percentage of the voters, it will become the duty of the council to submit the question to the people. In the second place, the alloted ninety days may often be an insufficient time within which to prepare such a document as the board of freeholders may desire to submit to the people.

Section 6 of article XI provides that "all charters framed or adopted by authority of the Constitution, except in municipal affairs, shall be subject to and controlled by general laws." This suggests a rule of procedure in the making of a charter. The form of expression, however, is not very happy, and the term "municipal affairs" is not without ambiguity. It is clear, nevertheless, that as to municipal affairs, whatever they may be, the charter, so far as it expresses itself, is supreme. With respect to anything falling within the category of municipal affairs on which the charter is silent, the general law controls. And with respect to any matter not within the category of municipal affairs, the general law controls, regardless of any provision of the charter. If the charter attempts to regulate a matter not a municipal affair, its provision with respect thereto is simply void and of no effect. In view of these considerations, it becomes important in making a charter for a Californian city, to decide wherein the city prefers to be governed by the general law and wherein it wishes to exercise its own control. For instance, it is a question that has to be determined by each city whether it prefers to be governed by the general street law as enacted by the State Legislature or to make its own separate street law.

The general subject of the public schools has been held not to be a "municipal affair," but one of State concern and governed by the general statutes and the provisions of the Political Code. Local communities are not, however, entirely without a voice in the determination of the mode of government of their schools. Of course, the actual management of the educational interests of the city is in its own hands. It becomes necessary, then, in framing a charter to strike the right line between municipal discretion and municipal limitation, and to provide for such matters as are within the competence of the charter and to refer to the general law for other matters. The Berkeley charter of 1909 aims to provide for every power within the jurisdiction of the city concerning the public schools, neither conflicting with the general law nor uselessly repeating its provisions.

Section 11 of article XI provides that "any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with the general laws." Incidentally, it is to be remarked that the expression "other regulations" does not materially enlarge the scope of the provision, it being held that "other regulations" must be limited to objects similar to those styled police and sanitary. In the uncertainty which prevailed as to the extent to which this provision gives *suo vigore* authority to a city council to legislate without express direction from the charter, it becomes important for the charter to make itself explicit. The ever-present thought in the minds of the charter-framers must be that the city shall not by inadvertent omission be left powerless because of silence in the charter or absence of general law.

The only portion of the judicial power that may be exercised by municipalities is that pertaining to the police courts. Section 8½ of article XI (adopted in 1896) authorizes a city to provide by its charter for the constitution, regulation, government, and jurisdiction of police courts. The Berkeley Charter of 1909 does not, however, take advantage of this permission, because the jurisdiction exercised by the justices of the peace is thought adequate at the present time. Provision for police courts can be added at any time by amendment to the Charter.

DECISIONS OF THE SUPREME COURT OF CALIFORNIA AS TO CHARTERS, AND THE CHARTER FORM OF GOVERNMENT UNDER THE CONSTITUTION OF CALIFORNIA.

Municipal corporations.

Article XI, Section 6. (As originally enacted.) Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns, heretofore or hereafter organized, and all Charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws.

Section 6. (Amendment adopted November 3, 1896.) Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all Charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws.

54 Cal. 94; 55 Cal. 246; 56 Cal. 133; 58 Cal. 566, 575; 60 Cal. 81; 61 Cal. 277, 319; 65 Cal. 609; 66 Cal. 3; 69 Cal. 465, 475, 479; 72 Cal. 5; 73 Cal. 76, 312, 622; 76 Cal. 360, 450; 79 Cal. 354; 81 Cal. 489, 497; 82 Cal. 341, 483; 84 Cal. 76, 304, 655; 85 Cal. 333, 346, 369; 86 Cal. 41, 158; 87 Cal. 92, 140, 606; 89 Cal. 522; 91 Cal. 249; 92 Cal. 297, 316; 94 Cal. 74, 621; 95 Cal.

105, 111; 97 Cal. 433; 99 Cal. 560; 100 Cal. 571; 102 Cal. 298, 304; 104 Cal. 275, 644; 109 Cal. 153; 111 Cal. 103; 114 Cal. 147, 322; 115 Cal. 514; 117 Cal. 573; 118 Cal. 403; 120 Cal. 391, 395; 123 Cal. 459, 603; 126 Cal. 386, 410; 127 Cal. 666; 131 Cal. 33; 132 Cal. 381, 442; 133 Cal. 104; 135 Cal. 519; 138 Cal. 131, 152; 141 Cal. 207, 213, 214, 215; 142 Cal. 515; 144 Cal. 391; 145 Cal. 634, 688; 147 Cal. 535, 778; 148 Cal. 382, 629, 752. App. R. 1, 633.

Charters of cities.

Section 8. Art. 11. Const. of California. (Amendment of 1902). Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a Charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the County. Such proposed Charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the Charter; provided, that in cities containing a population of not more than ten thousand inhabitants, such proposed Charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the Charter of such city, of if such city be consolidated with a county, then of such city and county,

and shall become the organic law thereof, and supersede any existing Charter and all amendments thereof, and all laws inconsistent with such Charter. A copy of such Charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such Charter to the electors, and its ratification by them, shall, after the approval of such Charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said Charter. The Charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the Charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said Charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such Charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

54 Cal. 405; 55 Cal. 253, 613; 56 Cal. 104; 60 Cal. 81, 347; 61 Cal. 277, 321; 69 Cal. 477; 73 Cal. 73, 80; 76 Cal. 173, 436; 79 Cal. 176; 82 Cal. 342; 85 Cal. 238, 335, 343; 86 Cal. 40; 87 Cal. 605; 92 Cal. 612; 97 Cal. 214, 593; 100 Cal. 571; 105 Cal. 623; 114 Cal. 147, 321, 364, 586; 115 Cal. 516; 119 Cal. 3, 233; 120 Cal. 399; 121 Cal. 265, 553; 123 Cal. 605; 126 Cal. 385, 412; 128 Cal. 463; 129 Cal. 574; 130 Cal. 89; 131 Cal. 264; 132 Cal. 375, 441; 133 Cal. 104, 344; 134 Cal. 52; 135 Cal. 515; 138 Cal. 131; 141 Cal. 207, 213; 142 Cal. 300; 143 Cal. 556, 569; 145 Cal. 175, 291, 688, 742, 749; 147 Cal. 530, 534; 148 Cal. 133.

Amendment of Charters.—

People vs. City of Coronado, 100 Cal. 571, 35 Pac. 162;
Blanchard vs. Hortwell, 62 Pac. 509;
Harrison vs. Roberts, 131 Cal. 263, 63 Pac. 349;
Lubliner vs. Bd. Supervisors, 145 Cal. 173, 78 Pac. 537;
City and County of San Francisco, 145 Cal. 291, 78 Pac. 722.

New Charter accepted when voted for by majority of electors.—

Thomason vs. Ashworth, 73 Cal. 77, 14 Pac. 615.

Charter change under sec. 8, art. 11, Const.—

People vs. Bagley, 85 Cal. 348, 24 Pac. 716.

Proceedings to annex additional territory.—

People vs. City of Oakland, 92 Cal. 611, 28 Pac. 807.

Re-organization of municipal incorporation, jurisdiction of Board of Trustees.—

People vs. Town of Berkeley, 102 Cal. 28, 36 Pac. 591.

Eligibility of Freeholders.—

People ex rel. Hoffman vs. Hecht, 105 Cal. 621, 38 Pac. 941.

Charters of Cities, may provide what.

Sec. 8½. It shall be competent, in all Charters, framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attaches.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution,

regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city or county government has been merged and consolidated into one municipal government, it shall also be competent in any Charter framed under said section eight of said article eleven, to provide for the manner in which, the times of which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies each shall have, and for the compensation payable to each of such deputies. (New section; adopted November 3, 1896.)

120 Cal. 399; 126 Cal. 406; 128 Cal. 462; 132 Cal. 441; 135 Cal. 514; 136 Cal. 586, 587; 145 Cal. 53, 742, 744, 748; 148 Cal. 133.

Compensation and term of officers.

Sec. 9. The compensation of any county, city, town or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

61 Cal. 277; 62 Cal. 566; 66 Cal. 10; 67 Cal. 119; 81 Cal. 590; 83 Cal. 362; 85 Cal. 596; 87 Cal. 396; 92 Cal. 319; 94 Cal. 603; 95 Cal. 473; 97 Cal. 590; 98 Cal. 221; 104 Cal. 66, 644; 109 Cal. 508, 517; 114 Cal. 123; 118 Cal. 309, 362; 129 Cal. 527; 136 Cal. 65; 138 Cal. 16; 144 Cal. 277; 145 Cal. 197.

Taxes not to be released.

Sec. 10. No county, city, town or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

61 Cal. 277; 92 Cal. 296, 319; 104 Cal. 644; 141 Cal. 210.

Local laws.

Sec. 11. Any county, city, town or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

57 Cal. 607; 60 Cal. 78; 61 Cal. 277, 375; 62 Cal. 540; 64 Cal. 391; 65 Cal. 33, 85, 270, 310; 66 Cal. 450; 67 Cal. 103; 68 Cal. 296; 69 Cal. 92, 151, 610; 70 Cal. 35; 71 Cal. 204; 72 Cal. 115, 125; 73 Cal. 77, 148, 372, 541, 633; 74 Cal. 23; 76 Cal. 512; 77 Cal. 542; 79 Cal. 105; 83 Cal. 390; 84 Cal. 305; 86 Cal. 232, 255; 87 Cal. 91, 165; 90 Cal. 620; 91 Cal. 590; 92 Cal. 296; 94 Cal. 391; 96 Cal. 356, 607; 98 Cal. 73, 556, 684; 99 Cal. 560; 102 Cal. 163, 172, 489; 103 Cal. 111, 113; 104 Cal. 278, 644; 105 Cal. 161; 106 Cal. 283, 401; 108 Cal. 327; 109 Cal. 321; 112 Cal. 70, 415; 115 Cal. 372, 630; 117 Cal. 332; 124 Cal. 347; 128 Cal. 435; 129 Cal. 574; 131 Cal. 466; 134 Cal. 70, 75, 111, 145; 139 Cal. 183; 140 Cal. 230; 143 Cal. 246, 371; 145 Cal. 631, 637, 640; 147 Cal. 334; 149 Cal. 761. App. R. 1, 184; App. R. 2, 722.

Legislature not to impose taxes on.

Sec. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

54 Cal. 536, 571; 56 Cal. 508; 58 Cal. 624, 644; 59 Cal. 94; 60 Cal. 32, 35, 155; 61 Cal. 59, 277; 65 Cal. 33, 271, 290; 66 Cal. 88, 448, 537, 610, 642; 69 Cal. 149, 608; 71 Cal. 310; 72 Cal. 388, 404; 73 Cal. 77, 372; 74 Cal. 117; 77 Cal. 511, 518, 542; 86 Cal. 255; 87 Cal. 506, 607; 88 Cal. 359; 92 Cal. 296, 319; 93 Cal. 418; 97 Cal. 218; 99 Cal. 561; 100 Cal. 268; 102 Cal. 111, 471; 104 Cal. 644; 107 Cal. 526; 112 Cal. 70; 117 Cal. 86; 121 Cal. 551; 124 Cal. 696; 129 Cal. 602; 134 Cal. 148; 137 Cal. 520; 143 Cal. 567.

Municipal power not granted by Legislature.

Sec. 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or

individual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

54 Cal. 94, 579; 55 Cal. 618; 60 Cal. 32; 61 Cal. 277; 68 Cal. 554; 71 Cal. 314, 630; 80 Cal. 270; 86 Cal. 48; 87 Cal. 607; 88 Cal. 359, 412; 95 Cal. 78; 97 Cal. 219; 99 Cal. 554, 560; 107 Cal. 526; 112 Cal. 329, 564; 118 Cal. 308; 121 Cal. 546; 125 Cal. 193; 126 Cal. 134; 133 Cal. 103; 144 Cal. 333; 148 Cal. 631.

State, county and municipal bonds.

Sec. 13½. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the State, to make said bonds payable at any place within the United States designated in said bonds. (New section; adopted November 6, 1906.)

Local inspection officers.

Sec. 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

55 Cal. 618; 59 Cal. 279; 61 Cal. 277; 65 Cal. 445; 73 Cal. 77; 81 Cal. 497; 98 Cal. 465.

Private property not to be sold for corporate debt.

Sec. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

61 Cal. 277; 81 Cal. 498.

Moneys to be deposited with Treasurer.

Sec. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such

city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

61 Cal. 277; 81 Cal. 498; 84 Cal. 76; 86 Cal. 45; 87 Cal. 607; 92 Cal. 319; 95 Cal. 150; 97 Cal. 219; 103 Cal. 493; 108 Cal. 565; 112 Cal. 315, 329; 113 Cal. 205; 120 Cal. 5; 126 Cal. 134; 146 Cal. 719.

Deposit of moneys belonging to State, county or municipality.

Sec. 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; provided, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or any county, municipality or school district within this State, to be approved by the officer or officers designated by law; to an amount in value of at least ten per cent in excess of the amount of such deposit; and provided, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; and provided, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; and provided further, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. (New section; adopted November 6, 1906.)

Public funds not to be used for private profit.

Sec. 17. The making of profit out of county, city, town or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

61 Cal. 277; 81 Cal. 498; 87 Cal. 607; 97 Cal. 219; 113 Cal. 205; 136 Cal. 445.

Annual debt not to exceed annual income.

Sec. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year

the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, that the City and County of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; and provided further, that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its waterworks whenever two-thirds of the electors therefor voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. (Amendment adopted Nov. 6, 1900.)

Section 18 amended by adding the following, adopted November 6, 1906: The City and County of San Francisco, the City of San Jose and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one-fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

5 Cal. 288; 34 Cal. 290; 39 Cal. 270; 43 Cal. 534; 61 Cal. 277; 62 Cal. 642; 74 Cal. 224, 259, 417; 75 Cal. 505;

80 Cal. 363; 81 Cal. 498; 86 Cal. 45; 89 Cal. 114, 387; 90 Cal. 546; 92 Cal. 296, 342; 97 Cal. 219; 99 Cal. 149, 413; 103 Cal. 655; 106 Cal. 153; 107 Cal. 181. 648; 109 Cal. 153; 111 Cal. 322; 112 Cal. 163, 313, 326, 440; 113 Cal. 161, 202; 115 Cal. 37; 118 Cal. 530; 119 Cal. 44, 227, 634; 124 Cal. 61; 131 Cal. 297; 135 Cal. 500; 136 Cal. 405; 143 Cal. 179; 144 Cal. 395; 146 Cal. 730, 732; 148 Cal. 709.

Use of streets for gas and water pipes.

Sec. 19. In any city where there are no public works, owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages, and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gas light or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. (Amendment adopted November 4, 1884.)

(Original Section.) Sec. 19. No public work or improvement of any description whatsoever, shall be done or made, in any city, in, upon or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to benefits, on the property to be affected or benefited shall be levied, collected, and be paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose

under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gas light or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

54 Cal. 246; 56 Cal. 654; 57 Cal. 616; 61 Cal. 24, 277; 62 Cal. 108, 209, 232, 238; 69 Cal. 466, 481; 72 Cal. 5; 73 Cal. 75; 79 Cal. 45, 281; 81 Cal. 497; 92 Cal. 296, 342; 93 Cal. 161; 98 Cal. 618; 118 Cal. 5, 118, 584; 129 Cal. 402; 137 Cal. 118; 142 Cal. 242, 287; 143 Cal. 371; 145 Cal. 632, 633, 635, 639, 640; 148 Cal. 315, 327, 333, 370. App. R. 1, 673, 677, 678; App. R. 2, 560, 722.

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must be a qualified elector of the State and City.
term of office two years from July 1st after election, § 51.
salary $1800 per annum, § 56.
payable in equal monthly installments.

AUDITOR (Continued).
official bond to be $10,000, § 54.
bond to be approved by Mayor.
conditions of bond set forth.
books of, to be examined semi-annually, § 61.
to receive reports from public accountant.
to receive assessment roll from Council, § 178.
to compute tax levy made by Council.
to cover each property contained in assessment roll.
to certify corrected list as assessment roll.
Examination of company's books. Audit, § 213.
Auditor, deputy or account to examine.
includes all vouchers and records.
of any person, firm or corporation.
exercising or enjoying any franchise or privilege.
to verify statements of gross receipts.
or other purposes connected with city.
under charter or ordinance granting franchise.
may audit same at the end of each year.

AUDIT. Examination of company's books, § 213. (See Auditor.)

AVENUE, § 3.
Claremont, Art. 2, Sec. 3, Boundaries.
College, Art. 2, Sec. 3, Boundaries.
Alcatraz, Art. 2, Sec. 3, Boundaries.
San Pablo, Art. 2, Sec. 3, Boundaries.
Posen, Art. 2, Sec. 3, Boundaries.
Monterey, Art. 2, Sec. 3, Boundaries.

AYES AND NOES, § 82.
to be taken upon passage of all ordinances and resolutions.
to be entered in journal of proceedings of the Council.

BALLOTS, form and requirements of.
Arrangement of offices on ballot, § 23.
offices arranged in separate columns.
mode of designating each office.
Blank spaces for additional candidates, § 25.
half-inch spaces to be provided for additional names.
equal in number to the number to be voted for.
voter may write therein names of his candidates.
Election under the initiative, § 224.
ballots to contain words "For" or "Against the Ordinance."
to set forth title and general nature of proposed ordinance.
Every nominee to be on ballot, § 22.
no candidate omitted who has been nominated and not withdrawn.
Form of, § 19.
to be printed, bound and numbered as required by State law.
to contain names of officers.
to conform to proclamation.

BALLOTS (Continued).
Instructions to voters, § 20.
to vote, stamp or write a cross (X).
opposite the name of the desired candidate.
distinguishing marks forbidden and invalidate ballot.
defective ballots returnable to inspector.
Publication of popular ordinance, § 223.
sample ballots mailed with popular ordinance.
substitute for sample ballot by publication.
Requirements of ballot, § 21.
all ballots to be same size, quality, tint of paper.
also same kind of type and color of ink.
one ballot to be undistinguishable from another.
candidates' names printed in same size type and style.
right-hand column for charter amendments or popular questions.
candidates' names arranged in alphabetical order.
Sample ballots, § 26.
clerk to furnish sample ballots.
to be identical with official ballot.
to be supplied at least five days before election.
one such ballot to be mailed to each voter.
to be mailed at least three days before election.
Space for voting cross, § 24.
half-inch squares to be provided.
placed at the right of the name of each candidate.
cross to be marked therein.

BATHS, City may acquire, own and operate, § 97.

BEQUESTS.
Bequests and donations, § 103.
City may receive bequests of any kind for any purpose.
power conferred to manage, sell, etc.
governed by terms of bequest, gift or trust.
or without terms if same be unconditional.

BEGINNING and completion of work, § 206.
under franchise granted by City.

BERKELEY, name and rights of the City, defined and prescribed, § 1.
history of the City of Berkeley.

BILLBOARDS and signs, § 127.
Council to regulate, license or prohibit.

BIDDING for the franchise, § 201.
when bids opened, other bidders may raise same.
minimum amounts to raise bids.
highest gross annual receipts secures franchise.
Council may withdraw franchise from sale, when.

BIDDING, free competition in, § 203.
conditions preventing free competition forbidden.
all favoritism precluded.

BIDDER, collusion with, § 194.
defined, prescribed and penalty therefor.
official collusion punishable by removal from office.
Collusion by, § 195.
renders contract null and void.
Council to advertise for new contract.
or cause work to be done by Department of Public Works.

BLACKSTONE STREET, § 3. (See Boundaries.)

BOUNDARIES, of City, described, outlined and determined, § 3.

BONDS, official, § 54.
amounts and terms of bonds specified.
conditions and approval of.
mode of endorsement and by whom approved.
to be filed with City Clerk.
provisions of State law to be complied with.
Borrowing money, § 104.
City may borrow for authorized purposes.
may issue bonds therefor.

BOND, successful bidder, § 204.
successful bidder to file bond running to City.
to be approved by Council.
time and conditions of filing same.
if bond not filed, award to be set aside.
deposit of money in connection with, forfeited, when.
Council may readvertise and sell.

BORROWING MONEY, § 104.
City may issue bonds for this purpose.
bonded indebtedness governed by general laws of State.
may borrow in anticipation of succeeding tax levy, § 105.
to provide for repayment with interest not exceeding 5%.

BOILERS AND ENGINES, § 118.
Council to regulate use and locality of.
includes gas, steam and electric motors.
use prohibited when public safety endangered.

BOULEVARDS, § 155.
Council to set apart certain streets therefor.
to regulate and prevent heavy teaming thereon.
to refuse railroad or other franchises thereon.
to prohibit railroad tracks upon.
excepting as permitted by initiative and referendum.

BOARD, annual estimate of expenditures for, § 174.
Annual budget providing allowance for, § 176.
Of equalization, § 177.
Council to act as, annually.
between the first and last Mondays in August.
sessions to continue daily.
power to hear complaints conferred.
may correct, modify, strike out or raise any assessment.
provided notice be given with reference to same.

BOARD OF EDUCATION, § 232.
to have entire control of public schools.
governed by constitution and general laws of State.
vested with all powers and charged with all duties.
governing City Boards of Education.
Annual estimate of expenses, § 244.
Board to submit to Council annually an estimate.
upon such date as Council may determine.
to include moneys received from State and county tax.
to furnish detail estimate of amount required for ensuing year.
subject to Charter, assessed and collected in annual tax levy.
proceeds to be immediately paid into school fund.
to be drawn out only upon order of the Board.
Election of teachers, § 241.
teachers elected upon nomination and recommendation of Superintendent.
Superintendent governed by rules of nomination of Board.
Meetings to be public, § 237.
Meetings, § 234.
time of meetings to be prescribed by resolution.
at a place provided by the Council.
manner of calling special meetings to be prescribed.
Powers and duties of the Superintendent, § 239.
to be the executive officer of the Board.
must devote full time to duties of the office.
subject to control of the Board.
orders of Board to be given through him.
to examine all plans relative to school buildings.
to present objections in writing to the Board.
to supervise the course of instruction.
responsible for discipline and conduct of the schools.
may be required to act as Secretary of the Board.
Powers of Superintendent with reference to teachers, § 240.
to nominate and recommend teachers and principals.
to assign teachers and principals and make transfers.
President of, § 233.
Board to annually elect one of its number.
removable by affirmative vote of four members.
may vote only as a member of the Board.
Quorum, § 235.
three members constitute a quorum.
three votes necessary to pass a measure.
less number than three may adjourn from day to day.
may compel the attendance of absent members.
in such manner as the Board may prescribe.
Rules of proceedings determined by Board, § 236.
School warrants, § 243.
all claims to be filed with Secretary of Board.
approval of Board to be endorsed thereon.

BOARD OF EDUCATION (Continued).
certificate of same to be signed by President and Secretary.
warrant to issue upon school fund.
to be signed by President and countersigned by Secretary.
to specify purpose for which drawn.
to receive approval of Auditor as provided in § 183.
Superintendent of schools appointed by Board, § 238.
Tenure of teachers, § 242.
first two years of service subject to annual election.
after two years' service to be elected triennially.

BREAD, inspection of food products, § 133.

BREADSTUFFS, inspection of food products, § 133.

BREAKWATER, Council to provide for, etc., § 152.

BUILDING REGULATIONS, § 120.
Council to regulate construction and materials usel.
includes chimneys, stacks and other structures.
to prevent erection and maintenance of insecure and unsafe, etc.
to provide for abatement and destruction of unsafe, etc.
to regulate construction of foundations and foundation walls, etc.
drains and sewers.
materials used for piping buildings and other structures.
wiring for electric light, power and heat.
materials used in supplying water and gas.
to prohibit buildings which do not conform to regulations.

BUTTER, inspection of food products, § 133.

BUDGET, annual, Council to make, as to annual estimates, § 176.

CARRISON TRACT, § 3. (See Boundaries.)

CANDIDATES.
Removal of elective officers, § 40.
officers sought to be removed a candidate.
ballot to contain name unless he resigns.
election in accordance with provisions of § 5.
Vote necessary for election, § 27.
receiving a majority of votes for all candidates elected.
rule affecting Councilmen and School Directors.
no person elected unless votes greater than one-half ballots cast.

CANALS, City to acquire by purchase, etc., § 97.

CARRIAGES.
Regulation of public vehicles, § 139.
Council to establish stands for.
to regulate charges of.
to require schedules to be posted upon.

CARDS, public shows, gambling.
used in gambling prohibited, § 141.

CARD MACHINES prohibited, keeping or operating of, § 141.

CASH BASIS FUND, § 181.
Council to create and maintain permanent revolving fund.
to put payment of running expenses of City on cash basis.
not less than 2½ cents on each $100 of assessed value.
Council has power to transfer from cash basis fund to other funds.
money transferred from cash basis fund to be returned thereto.

CERTIFICATE, form of individual, upon petition of nomination, § 8.

CERTIFICATES.
Forms to be supplied by the City Clerk, § 9.
Requirements of, § 10.
each certificate must be a separate paper.
must be of uniform size as determined by City Clerk.
to contain name of only one signer thereto.
to contain the name of one candidate and no more.
each signer must be a qualified elector.
cannot sign for another candidate for the same office.
excepting where there are several places to be filled in same office.
signatures on conflicting certificates rejects same.
each signer must verify under oath his certificate.
before a notary public or verification deputy.
to contain name and address of, if insufficient.

CESSPOOLS, Council to regulate the construction and use of, § 136.
to order same when necessary in streets and avenues, § 152.

CEMETERIES, Council to acquire by purchase, etc., § 97.

CHARTS AND MAPS of pipes and conduits to be filed, § 163.

CHIEF officials of the City designated, § 67.
appointed and removed by majority vote of Council.
offices may be consolidated.
duties prescribed by the Council.
to be appointed at first regulation meeting of Council after election.
Council to determine functions and duties of.

CHIEF OF POLICE, a chief official under Sec. 30, § 67.

CHIMNEYS, Council to regulate the construction of, § 120.
Council to prevent the construction of dangerous, § 122.

CHURCHES, Council to provide for safety of public in, § 123.
to prohibit obstructions in hallways and aisles.
to regulate size and construction of entrances.

CHEESE, inspection of foodstuffs, § 133.

CHARTER.
First election under, § 246.
Board of Trustees of town of Berkeley to provide for.
to canvass votes, declare results and approve bonds.
Provision of, for direct legislation by people, § 108.
Council subject to provisions and restrictions of, § 109.

CHARTER (Continued.)
penalties for violations of any provisions of, § 111.
taxations subject to Charter limitations, § 143.
Publication of Charter and ordinances, § 95.
Council to publish in book form.
separately from or with Charter.
with Constitution and laws of State as deemed expedient.
Violation of, §250.
violation to be deemed a misdemeanor.
may be prosecuted by City authorities.
in the name of the people of the State.
or may be redressed by civil action.
imprisonment for violation of may be in City jail.
or in county jail if Council so order.
expense of imprisonment in county jail charged against City.

CHARITABLE INSTITUTIONS, Council may establish and maintain, § 97.

CHARITIES, Commission of Public, § 169.
Council to establish a Commission of Public Charities.
Commissioners thereon to serve without compensation.
powers and duties to be fixed by the Council.

CITY.
City Attorney, § 62.
on demand of Mayor, to institute and prosecute actions.
to enforce the provisions of Sec. 25 of Art. 6 of Charter.
all contracts to be drawn under his supervision, § 187.
to prosecute in behalf of people all criminal cases, § 249.
includes violation of Charter and City ordinances.
to attend to all suits in which City is legally interested.
subject to control of Council in all litigation.
Council may employ independent attorney.
to take exclusive charge of or assist.
City Clerk.
to provide uniform size for certificates of nomination, § 10.
receive and endorse date upon petition, § 12.
inspect petition as to conformity with Art. 3, Sec. 5, § 13.
state defects or omissions and reason for not filing.
return defective petition to person designated therein.
receive and file amended petition as in first instance.
file verified withdrawal of signature, § 14.
file request for withdrawal of candidate, § 15.
preserve petitions of candidates for two years, § 17.
list the names of all candidates, § 18.
certify list not later than twenty days before election.
cause ballots to be printed, bound and numbered, § 19.
comply with legal form specified in Art. 3, Sec. 5, Subd. 14.
furnish sample ballots to registered voters, when, § 26.
mail sample ballots to registered voters, when.
receive and file report of public accountant, § 61.

CITY, City Clerk (Continued).
described and designated in Charter as a chief official, § 67.
attest all resolutions and ordinances, § 89.
preserve true and correct record of City ordinances, § 93.
keep and certify same.
enter ordinances in book marked "City Ordinances."
copy and certificate of same prima facie evidence of contents.
after use in court cases, to be returned to custody of.
certify to sufficiency of 15% petition, § 221.
certify to sufficiency of 5% petition, § 222.
mail popular ordinances with sample ballot, § 223.
CITY OF BERKELEY, boundaries of, described and delineated, § 3.
Bequests and donations, § 103.
to receive bequests, donations and gifts of all kinds.
in fee simple, or in trust for charitable purposes, etc.
to carry out the purposes of such bequests, etc.
to have power to manage, sell, lease or otherwise.
to dispose of in accordance with terms of bequest.
to dispose of absolutely if same be unconditional.
Borrowing money. Bonds. § 104.
borrow money for authorized purposes.
issue bonds subject to State law.
Dangerous and offensive occupations. Disagreeable noises. § 132.
health and good order of City to be preserved.
to regulate and prohibit dangerous occupations, etc.
to regulate and suppress disagreeable noises, etc.
Direct legislation by the people, § 108.
qualified voters of the City may employ the initiative.
to enact appropriate legislation.
to enforce the general powers of the City.
to enforce any of the specified powers of the Council.
to utilize same subject to general laws of State.
General powers of the, § 96.
shall have right and power conferred by Charter.
Joint ownership of water supply, § 106.
to join with one or more incorporated cities in.
to construct the works necessary for joint purposes.
to unite with other cities in bond issues therefor.
Land for public purposes, § 101.
acquire by purchase, condemnation or otherwise.
provide for and effectuate any other public purpose.
sell, convey, encumber and dispose of.
Lease of public utilities, § 102.
lease for maintenance and operation any public utility.
Powers of the Council enumerated, § 109. (See Council.)
Council, the legislative organ of the City.
subject to provisions and restrictions of Charter.
Preservation of health, § 131.
to make regulations necessary and expedient for.

CITY OF BERKELEY (Continued).
to prevent introduction of contagious or other diseases.
to prevent entry, etc., of persons infected with disease.
Public buildings, works and institutions, § 97.
acquire property by purchase, condemnation or otherwise.
establish, maintain, equip, etc., works and institutions.
Sales of products of public utilities, § 100.
sell all the products of any public utility operated by.
Special tax, § 105.
levy special tax to raise money.
observe the provisions of the initiative.
observe provisions of the referendum.
submit special tax levy for approval of qualified electors.
anticipate succeeding tax levy.
provide for repayment of loans with interest at 5%.
levy special tax for permanent improvements.
be expended after same is collected and available.
Sue and defend, § 107.
to sue and defend in all courts and places, etc.
Telephone, telegraph and transportation, § 99.
acquire by purchase, condemnation or otherwise.
establish, maintain, etc., railways, ferries, etc.
Water, light, heat and power, § 98.
acquire by purchase, condemnation or otherwise.
establish, maintain, equip, own and operate.
furnish supply within and without the city of.
Dairies, to provide for inspection, etc., of, § 134.
Weight and measures, to provide for inspection, etc., of, § 140.
Taxation, to levy and collect taxes within, § 143.
Lease of lands owned by city, § 147.
Licensing businesses within, § 138.
The fiscal year begins July 1st, or as fixed by ordinance, § 172.
Annual estimate of City's requirements and revenue, § 175.
Annual budget, 176.
Annual tax levy, § 178.
Bond tax. Library tax. § 180.
Cash basis fund, § 181.
Property rights of the City inalienable, § 196.
No use of streets without a franchise, § 197.
Franchises to use streets, § 198.
Applications for franchises, § 199.
Conditions of grant of franchises, § 200.
Life of franchises, § 205.
Service and accommodation, § 257.
Rates and charges subject to franchise, § 208.
Right of city to assume ownership, § 209.
No conveyance necessary for city's ownership, § 210.
Lease or assignment of franchise, § 211.
Street sprinkling, cleaning and paving, § 212.

CIVIC ART COMMISSION to be established, § 166.

CIVIL SERVICE COMMISSION, § 165.
Council to establish a bureau of.
to appoint Commissioners to serve without compensation.
rules and regulations governing to be made by Council.
to classify employments not excepted by Charter or Council.
to provide open, competitive and free examinations.
to provide an eligible list from which to fill vacancies.
to provide for probation before permanent employment.
to create a basis of merit experience and record.

CLAREMONT AVENUE, § 3. (See Boundaries.)

CLEANING plants to be established for streets, etc., § 97.
sprinkling, cleaning and paving of streets, § 212.

COLBY TRACT, § 3. (See Boundaries.)

COLLEGE AVENUE, § 3. (See Boundaries.)

CORDINICES CREEK, § 3. (See Boundaries.)

COUNTY ROAD No. 4398, § 3. (See Boundaries.)

CONDITION OF CANDIDACY, for public office, § 6.

CONDITIONS OF GRANT OF FRANCHISE, § 211.

COUNCILMEN, eligibility of, § 47.
must be a citizen of the United States.
must be a qualified elector of State and City.
Salaries of, $1800 per annum, payable in monthly installments.
Term of office of, § 51.
to hold office for a term of four years.
to begin term July 1st after election.
to hold until successors are elected and qualified.
to classify by lot, two for two years, two for four years.
two elected at each general municipal election.

CONTRACTS.
Contracts for official advertising, § 190.
to be ordered by Council for ensuing fiscal year.
to advertise for bids five consecutive days.
to specifically set forth work to be done.
to require sealed proposals therefor.
to specify type and spacing to be used, rates, etc.
to be let to lowest responsible bidder.
to be awarded to newspaper of general circulation.
to a newspaper existing one year previous to contract.
to provide advertising for new bids, when.
to be designated as "official newspaper."
Form of contracts prescribed, § 187.
to be drawn under supervision of City Attorney.
to be in writing and in the name of the City of Berkeley.
to be executed by officer authorized to sign same.
to be countersigned by the Auditor.
to be numbered and registered in a book for that purpose.
Progressive payments on, § 188.

CONTRACTS (Continued).
any contract may provide for progressive payments.
if ordinance provides for such a contract.
progressive payments precluded, when.
Public work to be done by contract, § 189.
to be let to the lowest responsible bidder.
to be advertised five days in official newspaper.
to state specifically work contemplated to be done.
to provide for work to be done by Department of Public Works.
Contracts for lighting, § 191.
to be limited to a period of one year.
to limit rate to minimum price charged other consumers.
to invalidate contract at any higher rate.
Contracts for water, § 192.
to limit contracts to minimum rate charged other consumers.
to invalidate contract exceeding the minimum rate.
COLLUSION WITH BIDDER, § 194.
prescribed, defined and punished.
Collusion by bidder, § 195.
defined and prescribed.
contract so awarded to be null and void.
Council to advertise for new contract.
or provide that same be done by Department of Public Works.
CONDUCT OF LEGAL PROCEEDINGS, § 249.
City Attorney to prosecute all criminal cases.
all violations of Charter and City ordinances.
all proceedings in which City is legally interested.
subject to control of Council in all litigations.
Council may employ independent attorneys.
to take exclusive charge of litigation.
or to assist the City Attorney.
COLLECTOR, defined as a chief official, § 67.
COMMISSIONS to report annually to Mayor, § 70.
annual budget relative to requirements of, § 176.
Commission of Public Charities, § 169.
Council to establish and appoint Commissioners.
incumbents to serve without compensation.
powers and duties to be fixed by Council.
Department estimate of annual requirements, § 174.
to present estimate to Commissioner of Finance and Revenue.
to specify by written detail, objects thereof.
to estimate for new ensuing fiscal year.
Park Commission, § 167.
Council to establish and appoint Commissioners.
incumbents to serve without compensation.
powers and duties to be fixed by Council.
COMMISSIONERS.
Commissioner of Finance and Revenue, § 72.

COMMISSIONERS (Continued).
ex officio member of Board of Education.
Department estimate of annual requirements, § 174.
Commissioner of Finance and Revenue to receive annual estimate.
specifying amounts required during next fiscal year.
The four Commissioners, § 66.
Council to designate same at first regular meeting.
to be designated by majority vote.
Commissioner of Finance and Revenue.
Commissioner of Public Health and Safety.
Commissioner of Public Works.
Commissioner of Public Supplies.
when Council unable to agree, Mayor designates.
Council may change designation by ordinance or resolution.
whenever public service will be benefited thereby.
Protection of absent Commissioner, § 94.
procedure necessary when Commissioner absent.

COMBUSTIBLE MATERIAL, Council to regulate accumulations of, § 122.

COMPENSATION OF OFFICERS AND EMPLOYEES, § 69.
to be by salary fixed by the Council.
to be fixed for all other officers and employes.
to be governed by provisions of Charter.
to preclude fees, etc., aside from salary or compensation.
to require all fees other than salary paid into treasury.

CONTRIVANCES FOR HAZARDING MONEY PROHIBITED, § 141.
includes card and slot machines, etc.

COST OF STREET WORK, special assessments for, § 152.

CONSTITUTION, Board of Fifteen Freeholders elected under, § 256.

CORRECTION, HOUSES OF, to be established by City, § 97.

CROSSWALK, Council to order same constructed, § 152.

CROSS, space for voting, § 24.
half inch squares to be provided on ballot for.

CREMATORIES, to be provided by City, § 97.

CULVERTS, to be provided by City, § 97.

CURBING, Council to order construction of, § 152.

COUNCIL.
Additional powers, § 171.
to enact appropriate legislation thereunder.
to do and perform acts and things under general powers and Charter.
Annual budget, § 176.
to fix tax levy and make a budget at annual meeting.
to estimate expenses of City for ensuing year.
to show detail items and aggregate sum.
to cover each office, board, etc., that Council deems advisable.

COUNCIL (Continued).
Annual estimate of City's requirements and revenue, § 175.
estimate to be furnished to Council annually.
on or before first Monday in May.
or otherwise, as Council shall direct.
estimate of probable future expenditures.
to be furnished by Commissioner of Finance and Revenue.
includes interest and sinking funds.
detail estimate of wants of all departments.
must show specifically amounts necessary.
also income from fines, licenses and other sources of revenue.
must specify probable amount to be raised by taxation.
Annual estimate of expenses, § 244.
to receive annual report of Board of Education.
same to be in writing and specify amounts receivable.
from State and county for support of public schools.
also detailed estimate of amounts required for school support, etc.
Annual tax levy, § 178.
to adopt ordinance levying tax not later than first Tuesday in September.
to fix a rate of taxation on each $100 of value.
to regulate rate by amount required to be raised.
to fix same subject to provisions of Charter.
to deliver assessment roll to the Auditor.
duties of Auditor with reference thereto specified.
Application for franchise, § 189.
to require applicants for franchises to file their applications.
to advertise fact of application in official newspaper.
to advertise same for at least ten successive days.
to require that publication be completed not less than twenty days and not more than thirty days before further action can be taken.
Ayes and noes, § 82.
ayes and noes taken on passage of all ordinances and resolutions.
to be entered in journal of proceedings.
Beginning and completion of work under franchise, § 206.
time, conditions and forfeiture specified.
may extend time for completion of work.
time limit of extension, three months.
Bidding for the franchise, § 201.
to strike off, sell and award franchise, when.
to withdraw if no adequate offer made.
to advertise for new bids, when.
Billboards and signs, subject to regulation, § 127.
Board of Equalization, § 177.
to sit as a board of equalization.
to meet at ten o'clock A. M. on first Monday in August.

COUNCIL, Board of Equalization (Continued).
to hold meetings at the usual place for same.
to continue sessions daily until last Monday in August.
to hear complaints of property owners as to assessments.
to correct, modify, raise, etc., any assessment.
to give notice to the party whose assessment is to be raised.
Bond. Municipal law affecting same, etc., § 204.
to approve bond of successful bidder for franchise.
terms and conditions of bond prescribed by Charter.
to be filed with Council within five days after award.
to grant franchise by ordinance to highest bidder.
to set aside award if bond not filed.
money deposited in connection with award, forfeited, when.
to readvertise and again offer for sale.
to be governed by same restrictions provided in Charter.
Bond tax. Library tax. § 180.
to have power to levy and collect taxes under.
in addition to taxes authorized.
to pay interest and maintain sinking fund.
to provide for free libraries and reading rooms.
Boulevards, § 155.
to set apart certain streets therefor.
to regulate and prevent heavy teaming upon.
to refuse railroad or other franchises upon.
to prohibit railroad tracks upon.
to require popular vote to set aside foregoing provisions.
to submit the same as provided in Arts. 13 and 14 of Charter.
Building regulations, § 120.
to regulate construction of and materials to be used.
includes chimneys, stacks and other structures.
to prevent erection and maintenance of insecure.
to provide abatement and destruction of.
also, foundations, foundation walls, drains and sewers, etc.
to provide for the piping of buildings, etc.
wiring structures for electric light, power and heat.
prescribing materials used in gas and water supply.
to prohibit buildings and structures, when.
Cash basis fund, § 181.
to create and maintain a permanent revolving fund.
to be known and designated as cash basis fund.
to put running expenses of city on cash basis under.
sum to equal 2½ cents on each $100 of assessed value.
to be placed in cash basis fund for accumulation.
until it meets legal demands against treasury.
for first four months of succeeding fiscal year.
or other necessary period.
to transfer from cash basis fund to any other fund, when.
to require return of transferred money before the end of the fiscal year.

COUNCIL (Continued).
Chief officials, The, § 67.
to appoint and remove chief officials.
may consolidate offices.
to prescribe duties of chief officials.
to determine duties of.
Civic Art Commission, § 166.
to establish a Civic Art Commission.
to appoint Commissioners to serve without compensation.
to prescribe powers and duties of the Commission.
Civil Service Commission, § 165.
to establish a Bureau of Civil Service.
to appoint a Commission to serve without compensation.
to promulgate rules and regulations for the adminstration of same.
Closed or abandoned streets, § 156.
to convey same by deed to owners of adjacent lands.
to be governed by equity as to manner of so doing.
Collusion by bidder, § 195.
to advertise for new contract upon discovery of.
to order work done by Department of Public Works, when.
Commission of Public Charities, § 169.
to establish and appoint Commissioners thereon.
Commissioners to serve without compensation.
to fix the powers and duties thereof.
Compensation of officers and employes, § 69.
to fix amount of salaries to be paid.
to fix compensation of all other officials.
to be subject to Charter limitations.
compensation not fixed by Council, payable into treasury.
also all fees and emoluments.
Conduct of legal proceedings, § 249.
to have control of all litigation of the City.
to employ independent counsel in any litigation.
to employ counsel to assist City Attorney.
Contracts for official advertising, § 190.
to annually let contract for official advertising.
to include the ensuing fiscal year.
to advertise for bids five consecutive days.
to set forth specifically the work to be done.
to require sealed proposals to be furnished therefor.
to require that type and spacing be specified.
to accept lowest responsible bidder publishing daily City newspaper.
to accept bids from newspaper of general circulation.
and one which has existed one year previous to contract.
to reject excessive and advertise for new bids.
to award to lowest bidder designated the "Official Newspaper."
Council, the governing body, § 75.
to be the governing body of the municipality.

COUNCIL (Continued).
to exercise the corporate powers of the City.
subject to the express limitations of the Charter.
Council to assign duties to the departments, § 65.
subject to provisions of Art. 7, Sec. 27, of Charter.
to prescribe duties of the several departments.
to assign officers and employees to departments.
to require consolidation of offices, when.
to make necessary and proper rules for conduct of business.
Councilmen to hold no other office, § 72.
only exception Commissioner of Finance and Revenue.
who is ex-officio member of the Board of Education.
no increase of compensation until one year after term.
Cruelty to animals, § 130.
to prohibit and punish cruelty to animals.
to require places where kept to be clean and healthful.
Dairies, § 134.
to provide for the regulation and inspection of.
includes all dairies which sell products in the City.
Dangerous and offensive occupations. Disagreeable noises, § 132.
to regulate or prohibit factories, occupations, etc., when.
to conserve the public health and good order of the City.
conditions affecting public peace, or when offensive or dangerous.
to provide penalties for violation and regulation.
to prescribe punishment of persons committing same.
to regulate and suppress disagreeable noises, etc.
Decisions of Supreme Court under State Constitution.
Department estimate of annual requirements, § 174.
written estimates to be made on or before April 1st of each year.
estimates furnished to Commissioner of Finance and Revenue.
to specify in detail amounts thereof.
also amounts required in offices, commissions, etc.
Direct legislation, § 219.
to receive any proposed ordinance signed by registered electors.
Direct legislation by the people, § 108.
Initiative conferred to enforce specified powers of Council.
Disposition of money collected, § 185.
to direct settlement with Auditor, when.
to provide for deposit in bank of City funds.
Dogs, § 128.
to regulate and prevent running at large.
to prevent dog fights in the streets.
to provide for the destruction of vicious dogs and unlicensed.
to require license fees from owners and custodians.
to impose penalties for refusal to pay license fees.
Elected at large, § 46.
to be elected on a general ticket from the City at large.
Elections, § 164.
to make all rules and regulations governing same.

COUNCIL, Elections (Continued).
to be consistent with requirements of Charter.
Elective officers, § 45.
Charter provides Mayor and four Councilmen to be the Council.
Eligibility of members of, § 47.
must be citizens of the United States.
qualified electors of State and City.
Enacting clause of ordinances, § 85.
enacting clause of all ordinances defined.
Engines and boilers, § 118.
to regulate and prohibit the use of.
includes electric motors.
to confine same to safe localities and conditions.
Erroneously collected taxes, § 144.
to order repayment of taxes, etc., improperly collected.
Executive and administrative departments designated, § 64.
to be four municipal departments.
(1) Department of Finance and Revenue.
(2) Department of Public Health and Safety.
(3) Department of Public Works.
(4) Department of Public Supplies.
Explosives, § 116.
to regulate or prohibit manufacture.
also keeping storage and use of.
includes powder, dynamite, fireworks, etc.
Fees, § 145.
to fix fees for official services not provided in Charter.
Fifteen per cent petition for the Initiative, § 221.
Finance and taxation. The fiscal year, § 172
fiscal year begins July 1st of each year.
unless otherwise designated by ordinance.
Fire escapes, § 121.
to require lessees and owners to erect.
also appliances for protection against fires.
also for extinguishment of fires.
Four Commissioners, The, § 66.
to designate by majority vote the several Commissioners.
if unable to agree, Mayor shall so designate.
notice of change of designation by ordinance or resolution.
same to be published two days when public service demands.
Fire limits, § 119.
to prescribe and define same.
to determine character and height of buildings erected therein.
nature of materials to be used in construction.
or repair and alteration of existing buildings.
Five per cent petition for the Initiative, § 222.
Forfeiture for non-compliance with franchise, § 216.
to have power to declare termination and forfeiture.
to have power as if expressly reserved in ordinance.

COUNCIL (Continued).
Further regulations under the Initiative, § 228.
may make further regulations with reference to the Initiative.
may adapt the provisions of Art. 3, Sec. 5, of Charter.
Further regulations under the Referendum, § 231.
to make further regulations to carry out provisions of.
to adapt provisions of Sec. 5 of Art. 3 of Charter.
Garbage, § 137.
to provide for collection and disposal of.
includes ashes, offal, rubbish and waste matter.
also dead animals, animal offal and refuse.
General powers of the City conferred, § 96.
Improper use of streets, § 125.
to regulate and prohibit the carrying of banners, etc.
the distribution of hand-bills in streets, etc.
flying of banners across streets or from houses.
traffic and sales on the streets and in public places.
to prevent and remove obstructions, etc., in streets.
Inflammable materials, § 117.
to regulate the storage of.
includes hay, straw, oil, etc.
Inspection of food products, § 133.
to provide inspection by health officer.
various kinds of food specified.
to provide the taking and destroying of unsound foods, etc.
to regulate and prevent bringing same into City.
Lease of lands owned by the City, § 147.
to provide for lease of any lands owned by City.
leases to be made at public auction to bidder offering highest rent.
to provide one week's previous notice by publication.
to specify time and conditions of lease.
to reject any and all bids in its discretion.
Licensing businesses, § 138.
to license for purpose of regulation and revenue.
includes every business not prohibited by law.
to fix the rate of licenses upon.
to provide for collection by suit or otherwise.
Light and water, § 154.
to provide for the lighting of streets, etc.
to provide water supply for municipal purposes.
Limit of tax levy, § 179.
to limit tax levy to $1.00 on each $100 of assessed value.
to apportion not less than thirty-five cents to the school fund.
unless estimate of Board of Education calls for a less amount.
to place remainder of levy in general fund.
Lodging, tenement and apartment houses, § 135.
to regulate and prevent the overcrowding of.
to require proper sanitary conditions in.

COUNCIL (Continued).
Majority vote of Council, § 83.
all ordinances and resolutions must have three affirmative votes.
Mayor pro tempore elected by, § 59.
Vice-President of Council to act as Mayor, when.
Mayor's urgency fund, § 146.
to provide for an urgent necessity fund.
not to exceed $500 per annum.
to be expended under direction of the Mayor.
Meetings of Council, § 77.
to provide time and place of holding meetings.
to prescribe manner in which special meetings may be called.
Meetings to be public, § 78.
legislative sessions, regular or special, open to the public.
Mode of protesting against ordinances, § 229.
no ordinance effective under thirty days from final passage.
exception as required by State law or Charter provisions, etc.
except the ordinance levying annual tax.
or immediate preservation of public peace, etc.
to contain urgency clause and requires four-fifths vote of.
grant of franchise not an urgency measure.
all franchises subject to referendum vote.
conditions effecting petition for the referendum, etc.
provisions of Art. 3, Sec. 3, as to form, etc., of petition, apply.
verification, certification and filing of petition for, etc.
Municipal ownership, § 170.
to provide suitable procedure for acquiring public utilities.
Nuisances, § 112.
to provide for the summary abatement of.
at the expense of person creating same.
Officers not to be interested in contracts or franchises, § 73.
officers not to be employed by public service corporations.
or of persons having contracts with the City.
or of grantees of City franchises.
contracts contravening this section null and void.
violations of the provisions of, a misdemeanor.
to be enforced by appropriate legislation.
Official bonds, § 54.
to execute surety company bond in penal sum of $5,000 each.
terms and conditions of bond prescribed.
Council to approve bond of Mayor.
to fix amount of bonds and methods of approval.
applies to all appointive officers.
Official seal, § 110.
to provide corporate seal with appropriate device.
to be affixed to all instruments, etc., needing authentication.
Ordinances and resolutions, § 81.
to act only by ordinance or resolution.
Ordinances required in certain cases, § 87.

COUNCIL, Ordinances required in certain cases (Continued).
ordinance necessary for specific improvements.
in appropriations for public moneys over $500.
for acquirements, lease, sale, etc., of public property.
for the levying of any tax or assessment.
for the granting of any franchise.
for establishing or changing fire limits.
for the imposing of any penalty.
exception when Council takes action under general law of State.
Ordinances granting franchises, § 92.
final passage limited to thirty days after introduction.
not renewable before one year prior to expiration.
Park Commission, § 167.
to establish and appoint a Park Commission.
Commissioners to serve without compensation.
to fix the powers and duties thereof.
Place of meetings of Board of Education, § 234.
to provide a place of meeting for the Board of Education.
Playground Commission, § 168.
to establish and appoint a Playground Commission.
Commissioners to serve without compensation.
to fix the powers and duties thereof.
Police and fire alarm systems, § 115.
to establish and maintain; also telephone system.
to manage and control and appoint superintendent thereof.
Police and Fire Departments, § 114.
to organize and maintain departments.
to erect the necessary buildings for.
to own implements and apparatus required in.
Powers of the Council enumerated, § 109.
subject to Charter, Council legislative organ of City.
Political and religious tests, § 74.
appointments not made nor withheld for religious or political opinions, nor for affiliations or political services.
not to be affected in any manner by the same.
Precautions against fires, § 122.
to prevent construction and cause removal of buildings described as dangerous.
to regulate factories liable to cause fire.
to prevent the depositing of ashes.
to prevent the accumulation of shavings, rubbish, etc.
to make provision to guard against fires.
Preservation of health, § 131.
to make proper and necessary regulations for.
to provide for the suppression of disease.
to prevent the introduction of contagious diseases.
to make quarantine laws and regulations.
to regulate entry into City of diseased persons.
to preclude persons and property infected with contagious disease.

COUNCIL (Continued).
President and Vice-President, § 76.
Mayor to be president of the Council.
to preside at its meetings when present.
one member of Council to be vice-president.
Protection of absent Commissioner, § 94.
procedure necessary when Councilman absent.
Provision for safety in streets, § 124.
to regulate speed of trains, engines, cars, etc.
to require flagmen at street crossings, etc.
to require fenders on street cars and local trains.
to prohibit the making up of trains in streets, etc.
to regulate the speed of bicycles, automobiles, etc.
Provisions for safety in theatres, halls, etc., § 123.
to regulate size and construction of entrances and exits.
includes all places for public gatherings of every kind.
to prohibit obstructions in hallways, aisles, etc.
Public order and decency, § 142.
to restrain and punish vagrants and mendicants.
also lewd persons and prostitutes.
to prevent and punish drunkenness and prize-fights.
all offensive, immoral, indecent, etc., practices in the City.
Public pound, § 129.
to prevent and regulate animals running at large.
to establish and maintain a pound.
to authorize destruction of animals running at large.
Public shows. Gambling, § 141.
to license, prohibit, etc., all shows, games, etc.
to prevent and prohibit all kinds of gambling.
to prohibit fraudulent devices and practices.
to prevent gambling with cards, dice or games of chance.
to prohibit keeping or operating of card and slot machines, etc.
also contrivances for risking money upon chance.
to prohibit selling of pools on races.
to authorize destruction of instruments used for gambling.
Public work to be done by contract, § 189.
to reject any and all contract bids deemed excessive.
to readvertise for bids, when.
to order work done by Department of Public Works, when.
Publication of Charter and ordinances, § 95.
to be published in book form with or without ordinances.
with or without provisions of Constitution and State law.
as Council shall deem expedient for the purpose.
ordinances to be classified under appropriate heads.
during first year of organization and thereafter.
Publication of popular ordinance, § 223.
to print popular ordinance for purpose of mailing.
to order same printed in official newspaper.
to provide publication in lieu of printing and mailing, etc.

COUNCIL (Continued).
Purchase of property under execution, § 148.
to provide for purchase of property levied upon.
Quorum, § 79.
majority of members to constitute a quorum.
Railroads to keep streets in repair, § 160.
to require every railroad company to keep streets in repair between tracks and two feet on each side of same.
Reconsideration, § 88.
no motion for, under one week from date of bill.
Record of City ordinances, § 93.
true and correct copy of preserved and certified by City Clerk.
record copy prima facie evidence of contents of ordinances, and of passage and publication of same.
admissible as such in any court or proceeding.
after use in court to be returned to City Clerk.
does not prevent proof of in the usual way.
Reference of measures to popular vote, § 230.
to sumbit to electors for adoption or rejection any ordinance or measure.
in manner and effect as those submitted on petition.
other questions may be submitted at special election.
when measures conflict, highest vote controls.
Referendum, § 229.
Regulation of poles and wires, § 162.
to require the placing underground of all telephone wires.
also telegraph, electric light and other wires within City.
to regulate or prohibit poles or suspended wires along or across any streets, highways or public places.
Regulation of public utility rates, § 158.
to fix same by ordinance in February of each year.
to provide same to take effect on first day of July thereafter.
rates or compensation to be collected by any person, firm, etc., for the use of water, light, heat, power or telephone service supplied to the City or inhabitants thereof.
to prescribe the quality of service given.
Regulation of street railroads, § 159.
to regulate street railroads, tracks and cars.
to compel owners of to use same tracks.
to compel equitable division of cost and maintenance.
Regulation of public vehicles, § 139.
to establish stands for hacks, carriages, etc.
to regulate the charges to be made for same.
to require schedules of charges to be posted.
Repeal, § 91.
forbidden except by ordinance as prescribed in sec. 44, Charter.
Repeal of popular ordinance, § 227.
to submit proposition to voters for repeal or amendment.
at any succeeding general municipal election.

COUNCIL (Continued).
majority vote repeals or amends ordinance, etc.
Reports of departments, § 70.
to fix date of reports from departments and commissions.
same to be annually rendered and complete.
Reports to be published, § 71.
to provide for the publication of annual reports.
to include Mayor, departments and commissions.
Requirements of an ordinance, § 86.
before final action to be published two days.
ayes and noes to be specified therein.
when amended, republished with amendments one day.
Revision and amendment, § 90.
forbidden by reference to title only.
to follow the method for the adoption of ordinances.
Rewards, § 113.
to offer not exceeding $250 in any one instance.
for apprehension and conviction of persons committing felony.
to authorize the payment thereof.
Rules of proceeding, § 80.
to establish rules for its proceedings.
Sale of useless personal property, § 149.
to provide for sale of at public auction.
to advertise same for sale for at least five days.
includes property unfit and unnecessary for City use.
Sewer connections, § 136.
to regulate the construction, repair and use of.
includes sewers, sinks, gutters, wells, cesspools and vaults.
to compel connecting, cleaning and emptying of same.
to prescribe time and manner of performing work upon.
Signing and attesting, § 89.
ordinances and resolutions to be signed by Mayor and attested by City Clerk.
Size and location of pipes, § 163.
to regulate all water, gas and other pipes and conduits.
to require filing of charts and maps of same.
Spur tracks, § 161.
to permit laying down and running cars thereon.
to be used for transportation of freight only.
to prohibit use as main line or part thereof.
to permit use for excavating and filling streets, etc.
to limit continuance of for a necessary period only.
to provide that same be laid level with street.
to forbid interference with public use of streets.
to make same revocable at pleasure of Council.
Street grades, to establish or change, § 151.
Street opening, § 153.
to regulate, order, control, define and limit.
to defray cost and expense of by special assessment.

COUNCIL (Continued).
to provide that proceedings conform to State law.
to provide that Commissioner and secretaries perform duties, but shall receive no compensation therefor.
Street work, § 152.
to regulate, order, control, define and limit.
to provide for planting and care of shade trees.
to order drainage and sanitary or storm sewers.
to provide special assessment to defray cost and expense of.
to be subject in all respects to laws of the State.
Subject and title, § 84.
ordinances and resolutions confined to one subject.
excepting an ordinance making appropriation.
subject to be clearly expressed in the title.
if appropriative, confined to appropriations.
any subject not embraced in title, void as to same.
Subordinate officers and employees, § 68.
to create and discontinue minor offices.
to provide the mode of filling same.
to prescribe the duties pertaining thereto.
to determine manner of removals.
to determine need of creating office.
to observe provisions of Charter as to.
Tax lien, § 182.
assessments shall constitute liens on property assessed.
also any percentage imposed for delinquency.
also cost of collection of taxes.
tax on personal property a lien on real property.
tax liens attach on first Monday in March each year.
action may be brought in proper court for enforcement of same.
also to foreclose lien or sell property.
certificates and deeds to be prescribed by ordinance.
sales for non-payment of taxes to be provided.
right of redemption to be preserved.
to be governed by rules in State and County sales.
unless a procedure is prescribed by Council.
Tax system, § 173.
to provide a system for assessment levy and collection of taxes.
to be consistent with provisions of the Charter.
to have power to avail itself of any law of the State.
to comply with the requirements and provisions thereof.
as to assessments made by County Assessor.
as to taxes collected by County Tax-Collector.
Taxation, § 143.
to levy and collect taxes on real and personal property.
subject to limitations provided in the Charter.
Term of office, § 52.
four years from July 1st after election.
first Councilmen to classify by lot.

COUNCIL (Continued).
two to serve for two years and two for four years.
members elected every two years thereafter.
To provide for payment of services of public accountant, § 61.
Trusts, to provide for all trusts confided to City, § 150.
Uniform accounts and reports, § 186.
to prescribe uniform forms of accounts.
to require disbursing officers to observe the same.
to be governed by act of legislature calling for same.
Violation of Charter and ordinances, § 111.
to provide fines, forfeitures and penalties for.
maximum penalty $500, six months' imprisonment, or both.
Waterfront and wharves, § 157.
to improve, keep in repair and control waterfront.
to fix rates of and collect wharfage, dockage and toll.
to regulate and control landing, etc., of watercraft.
Weeds and rubbish on sidewalks, § 126.
owner or occupant of building compelled to remove.
removal by City at owner's expense, when.
Weights and measures, § 140.
to provide for inspection and sealing of.
to enforce use of, duly tested and sealed.
DATE of second election, § 29.
to be held, when necessary, three weeks after first election.
DAIRIES, Council to provide for and regulate inspection of all, § 134.
DANGEROUS AND OFFENSIVE OCCUPATIONS, § 132.
Council to regulate or prohibit factories, etc.
affecting the public health or good order of the City.
or when offensive or dangerous to inhabitants of a vicinity.
to provide punishment for persons violating regulations.
also those who knowingly permit same to be violated.
DEPARTMENTS, Executive and Administrative, § 64.
Annual budget of estimates for departments, etc., § 176.
Council to assign duties to, § 65.
Department estimate of annual requirements, § 174.
estimates rendered in writing on or before April 1st of each year.
to be filed with Commissioner of Finance and Revenue.
to specify in detail the objects thereof.
amounts required in respective offices, commissions, etc.
The four municipal department, § 64.
powers of City distributed among four departments.
1. Department of Finance and Revenue.
2. Department of Public Health and Safety.
3. Department of Public Works.
4. Department of Public Supplies.
Reports of departments, § 70.
each department and commission shall report annually.
upon a date to be fixed by the Council.

DEPARTMENTS, Reports of (Continued).
a full report to Mayor of all operations for the year.
Reports to be published, § 71.
annual reports of Mayor, departments and commissions published, when.

DETENTION HOMES, City to acquire and maintain, § 97.

DEPOSIT as guarantee of good faith, § 202.
cash deposit of $2,000 to accompany application for franchise.
certified check may be given in lieu thereof.
a fund to cover expenses of application, etc.
deposits of unsuccessful bidders to be returned.
deposit of successful bidders to be retained until bond given.
after bond given, balance less expenses returned to bidder.

DEFEND AND SUE, City may sue and defend in all courts, places, matters, etc., § 107.

DEPUTIES, verification, § 11.
to be qualified electors of the City.
appointed by City Clerk upon application of five electors.
upon appointment, authorized to take the oath of verification of all signers of petitions of nomination.
not permitted to take oaths for any other purpose.
not required to use a seal.
appointments continue only until petitions have been filed.

DISPENSARIES, City to acquire, establish, maintain, equip, etc., § 97.

DISAGREEABLE NOISES, Council to make regulations for the suppression of, § 132.

DISPOSITION OF MONEY COLLECTED, § 185.
officers collecting or receiving money to settle with Auditor on or before the last day of each month.
or at more frequent intervals, as required by Council.
shall immediately pay all money collected into the treasury.
on the order of the Auditor.
for the benefit of the funds to which such money severally belong.
when last day of month falls on Sunday or legal holiday, payments to be made on the next preceding business day.
Council to provide for deposit of City's money in banks.
subject to the provisions of State law.

DIRECT LEGISLATION (the Initiative), § 219.
any proposed ordinance may be submitted to the Council.
petition for same to be signed by registered electors.
subject to the percentage of Article 13 of Charter.
Provisions of section 5 apply, § 220.
Section 5 of Article 3, as to forms and conditions, applies.
verification, certification and filing to be followed.
Fifteen per cent petition, § 221.
Five per cent petition, § 222.
Publication of popular ordinance, § 223.

DIRECT LEGISLATION (Continued).
Election under the Initiative, § 224.
Several ordinances at one election, § 225.
Limit to special election, § 226.
Repeal of popular ordinance, § 227.
Further regulations, § 228.
Referendum.
Mode of protesting against ordinances, § 229.
Reference of measures to popular vote, § 230.
Further regulations, § 231.

DOCKS, City to acquire by purchase, condemnation or otherwise, § 97.
to establish, maintain, equip, own and operate.

DONATIONS AND BEQUESTS, § 103.
City may receive for any purpose.
power to manage, sell, etc., defined.
includes trusts, conditional or unconditional.

DOGS, Council to regulate and prevent running at large, § 128.
to prevent dog fights in the street.
to provide for the destruction of vicious dogs.
to require payment of license fees by owners and custodians thereof.
to impose penalties for refusal to pay license fees.

DRAINS, City to establish, equip, own, etc., § 97.

DUTIES of the Auditor defined and prescribed, § 183.

DICE. Playing with dice for purpose of gambling prohibited, § 141.

DRUNKENNESS, Council to prevent and punish, § 142.

DISORDERLY CONDUCT, Council to prevent and punish, § 142.

DEMAND AGAINST THE CITY, mode of presentation and allowance of, § 183.

EGGS. Inspection of food products provided for, § 133.

ELECTIONS, general and special municipal, § 4.
Charter provisions prescribing and governing same.
Council to make rules and regulations governing, § 164.
Arrangement of officers on ballot, § 23.
Blank spaces for additional candidates, § 25.
Board of Education to annually elect from its members a president, § 233.
Condition of candidacy, § 6.
Date of presenting petition, § 12.
Date of second election, § 29.
Elected at large, § 46.
Mayor, Auditor, Councilmen and School Director.
Election of teachers to be by Board of Education, § 241.
Election proclamation, § 18.
Council to publish proclamation ten days before election.
to be published in two daily newspapers of City.
to conform to State law and contain certified list of names.
to contain list of officers and designate term of office.

ELECTIONS (Continued).
Election under recall petition, § 38.
Election under the Initiative, § 224.
Every nominee to be on ballot, § 22.
Examination of petitions by City Clerk, § 13.
Failure of person elected to qualify, § 31.
Fifteen per cent petition, § 221.
Filing of petitions, § 16.
First election under Charter provided for, § 246.
Board of Trustees of town of Berkeley to provide for.
Five per cent petition, § 222.
Form of ballots, § 19.
Form of nomination petition, § 7.
Forms to be supplied by the City Clerk, § 9.
Further regulations, § 228.
Further regulations, § 231.
General election regulations, § 33.
Informalities in election, § 32.
The Initiative. Direct legislation, § 219.
Instructions to voters, § 20.
Limit to special election, § 226.
Nomination and election of City officers, § 5.
Petition of nomination. Individual certificate, § 8.
Preservation of petitions, § 17.
Provisions of section 5 apply, § 220.
Publication of popular ordinance, § 223.
Reference of measures to popular vote, § 230.
The Referendum. Mode of protesting against ordinances, § 229.
Repeal of popular ordinance, § 227.
Requirements of ballot, § 21.
Requirements of certificate, § 10.
each certificate must be a separate paper.
must be uniform in size, as determined by City Clerk.
must contain the name of one signer thereto only.
must contain the name of one candidate and no more.
each signer must be a qualified elector.
must not sign duplicate certificates for the same office.
nor more than the total number, where officers more than one.
conflicting certificates requires rejection of all.
must make oath to the truth of each certificate.
must contain name and address of person to whom to return.
Sample ballots, § 26.
Second election, § 28.
Several ordinances at one election, § 225.
Space for voting cross, § 24.
Teachers shall be subject to annual election, when, § 242.
after two years' service to be elected triennially.
Verification deputies, § 11.
Vote necessary for election, § 27.

ELECTIONS (Continued).
Voting machines, § 34.
Withdrawal of candidate, § 15.
Withdrawal of signature, § 14.

ELECTIVE OFFICERS, Recall of, § 35.
the recall applies to all elective officers.
whether elected by popular vote or appointed to a vacancy.
subject to recall by voters of the City.
Candidates' election, officers sought to be removed, § 40.
Election under recall petition, § 38.
Further regulations under, § 44.
Grounds of recall. Officers' justification, § 39.
Incapacity of recalled official for holding office, 43.
Incumbent removed if he fail of election, § 41.
No recall petition for first three months, § 42.
Petition for recall prescribed and defined, § 36.
Provisions of section 5 apply to recall, § 37.

ELECTRIC LIGHT, HEAT AND POWER, § 98.
City may acquire, own and operate.
within or without the City.
Electric motors, Council to regulate use of, § 118.
Transportation—electric and other railways, § 99.

ENGINES AND BOILERS, regulation of, § 118.

ENACTING CLAUSE of ordinances prescribed, § 85.

ELIGIBILITY of Mayor, Auditor and Councilmen, § 47.
Of School Directors, § 48.

EQUALIZATION, BOARD OF, § 177.
Council to sit as board of.
between the first and last Mondays of August in each year.
shall have power to hear complaints of.
to correct, modify, strike out or raise any assessment, provided notice is given to party whose assessment is to be raised.

ERRONEOUSLY COLLECTED TAXES, repayment of, § 144.

ESTIMATE. Annual requirements of department, etc., § 174.
Annual budget to be made by Council, § 176.
Annual expenses of Board of Education, § 244.
City's annual requirements and revenue, § 175.

EXPLOSIVES, Council to regulate, prohibit, etc., § 116.

EXAMINATION OF COMPANY'S BOOKS. Audit, § 213.
Auditor, deputy or accountant to make examination.
includes all books, etc., of persons, firm or corporation.
whether enjoying franchise or privilege granted by City.
to verify statements of gross receipts, etc.
may audit same at end of each fiscal year.

EXECUTIVE and Administrative Departments specified, § 64.

EXISTING ORDINANCES continued in force, 248.

FAIRVIEW PARK, § 3. (See Boundaries.)

FARM SCHOOLS, City to acquire, establish, maintain, equip, etc., § 97.

FAILURE of persons elected to qualify, § 31.

FERRIES, City to acquire by purchase, etc., to establish and maintain, § 99.

FEES. Council to fix fees and charges for official services, § 145.

FIRST STREET, § 3. (See Boundaries.)
Election under Charter, § 246.

FINANCE AND REVENUE, Department of, § 64.
executive and administrative power assigned to.
Finance and taxation, the fiscal year, § 172.

FIRE CHIEF, a chief official of the City, § 67.
Fire alarm system, Council to establish and maintain, § 115.
Fire Department, Council to organize and maintain, § 114.
Fire escapes, Council to require placing of same, § 121.
Fire limits, Council to prescribe and determine, § 119.
Firemen, free transportation while on duty provided for, § 208.
Fireplaces, Council to prevent construction of dangerous, § 122.
Precautions against fires, Council to provide, § 122.

FIRMS OUTSIDE OF CITY, supplied with water, gas and electricity, § 98.
Auditor, etc., to examine books, vouchers, records, etc., of, § 213.

FISH, inspection of food products provided for, § 133.

FISCAL YEAR to begin on July 1st of each year, or as Council may direct.

FIFTEEN PER CENT PETITION (Initiative), § 221.
Charter regulations governing same.
(a) requires passage of ordinance.
(b) requires call for special election, when.

FIVE PER CENT PETITION (Initiative), § 222.
Charter regulations governing same.

FILING OF PETITIONS; Clerk to file same twenty-five days before election, etc., § 16.
when petition of nomination filed not to be withdrawn.

FORM OF CONTRACTS, § 187.
all contracts to be drawn under supervision of City Attorney.
must be in writing and executed in name of City of Berkeley.
to be executed by official authorized to sign same.
must be countersigned by Auditor.
Auditor to number and register same in book for that purpose.
Form of ballots, § 19.
Form of nomination petition, § 7.
Forms to be supplied by City Clerk, § 9.

FOUNTAINS, City to acquire, establish, maintain, equip, etc., § 97.

FOOD PRODUCTS, inspection of, § 133.
Council to provide inspection of by Health Officer.
various kinds of food specified.
Council to provide for taking and destroying unsound, etc.

FOOD PRODUCTS (Continued).
Council to regulate and prevent bringing same into City.
includes spoiled, adulterated or unwholesome products.

FOUNDATIONS, building regulations as to, § 120.
Foundation walls, building regulations as to.

FORFEITURE FOR NON-COMPLIANCE WITH FRANCHISE, § 216.
ordinance to provide for forfeiture of franchise.
any breach or failure to comply with terms of.
Council to declare determination and forfeiture.
in like manner as if power expressly reserved in.

FRANCHISES, § 92.
Annual reports of company, § 214.
reports to be filed with City Auditor annually.
to be in writing and verified by officers, etc.
statement to be in form and detail as prescribed by Council.
to include all gross receipts for year preceding report.
such further statements as Council may require.
includes also all expenditures for new construction, etc.
Applications for franchise, § 199.
Beginning and completion of work under, § 206.
work to begin in good faith within four months from date.
if not so commenced, franchise to be forfeited.
work to be completed within time fixed by ordinance.
not more than three years from date of ordinance.
if not complete, as specified in ordinance, franchise forfeited.
right conferred upon Council to make limited extension.
such extension not to exceed three months.
Bidding for the franchise, § 201.
after sealed bids opened, other bidders may raise offer.
one-fourth of 1% of the gross annual receipts, minimum raise.
Council may withdraw franchise from sale, etc., when.
Bond required from successful bidder, § 204.
Conditions of grant of, defined and prescribed, § 200.
advertisement for, must state character of.
if a railroad, the route to be traversed.
that sealed bids will be opened at stated time and place.
that franchise will be awarded to the highest bidder.
highest percentage of gross annual receipts acceptable.
not to be less than 2½% annually first ten years.
not less than 3% during second ten years.
not less than 4% during third ten years.
not less than 5% for remainder of period.
Deposit as guarantee of good faith, prescribed, etc., § 202.
Examination of company's book. Audit. § 213.
person, firm or corporation to submit books, etc., to inspection.
method to be employed and officials to perform same designated.
Forfeiture for non-compliance, § 216.
ordinance to provide for forfeiture of franchise.

FRANCHISES, Forfeiture for non-compliance (Continued).
for any breach or failure to comply with terms, etc.
Council to declare termination and forfeiture of, when.
in same manner as if power were expressly reserved.
Franchise not in use forfeited, § 218.
actual use and enjoyment essential to life of.
delay in beginning to exercise same works forfeiture.
unless grantees use same within six months after Charter takes effect.
Franchise to use streets, § 198.
conditions prescribed.
includes gas, electricity, railroads, etc.
along, upon, over or under any street, etc.
Free competition in bidding for provided, § 203.
Lease or assignment of, § 211.
forbidden without express consent of City.
dealings of City with lessee not to operate as a consent.
grantee of may include same in mortgage or trust deed.
whenever executed to obtain money for corporate purposes.
Maximum period franchise, thirty-five years, § 205.
No conveyance necessary for City's ownership, § 210.
ordinances granting, to provide for City ownership.
to secure plant and property at a fair valuation.
manner of acquiring to be specified in ordinance.
no instrument or conveyance necessary.
after expiration of franchise, may become property of City.
without instrument or conveyance, by virtue of original grant.
No use of streets without a franchise, § 197.
Ordinances granting franchises, § 92.
final passage of precluded before thirty days after introduction.
renewal precluded before one year prior to expiration.
Payment of gross receipts, § 215.
percentage of gross receipts payable annually.
at time of filing annual report.
failure to pay percentage forfeits franchise.
provisions as to payment of gross receipts, applies.
includes every person, corporation, etc., operating under franchise.
Property rights of the City inalienable, under, § 196.
Rate and charges, under grant of, § 208.
subject to right of City to prescribe rates, etc.
whether specifically reserved in franchise or not.
to provide for certain free transportation.
includes mail carriers, officers, policemen and firemen.
while in actual discharge of duty within the City.
Reservation for belt lines, § 217.
City and Council precluded from granting exclusive right.
to or upon the bed of the Bay of San Francisco.
beyond the line of mean low tide.

FRANCHISES, Reservation for belt lines (Continued).
to prevent construction and operation of belt lines.
along the waterfront of the City.
any franchise for railroad over, subject to common use.
upon payment of reasonable compensation therefor.
Right of City to assume ownership of, § 209.
City may purchase and take over franchise, when.
becomes property of the City without compensation, when.
Service and accommodation, under grant of, § 207.
all franchises subject to right of City to regulate.
public to be protected from danger and inconvenience.
comfort and convenience of the public to be insured.
Street sprinkling, cleaning and paving under, § 212.
railway franchises to contain requirements as to.
includes repairing, paving and repaving.
space between rails and two feet outside of tracks, etc.

FREE COMPETITION IN BIDDING FOR FRANCHISE, § 203.

FREEHOLDERS, a duly qualified board of fifteen, elected, § 256.
prepared and proposed a Charter for government of Town of Berkeley, § 257.
Charter signed in duplicate, returned and filed, § 258.

FUND, cash basis, Council to create and maintain, § 181.

FURTHER REGULATIONS, Council to make under the Initiative, § 228.
Council to make under the Referendum, § 231.

GARBAGE.
City to provide for collection of, § 97.
City to establish, maintain, own and operate reduction works.
City to provide for disposal of.

GAS, City to own, maintain and operate, gas works, § 98.
to supply the City and its inhabitants with.
to supply persons, firms or corporations outside the city with.

GAME, Council to provide for inspection of, § 133.

GAMBLING, Council to prevent and prohibit all descriptions of, § 141.

GENERAL AND SPECIAL MUNICIPAL ELECTIONS, § 4.
powers of the City defined, § 96.

GROUNDS OF RECALL, officers' justification, § 39.

GROSS RECEIPTS, payment of under franchise, § 215.

GRANT, conditions of, in advertisement for franchise, § 200.

GUTTERS, Council to provide for, in street work, § 152.
Council to regulate construction of, in sewer connections, § 136.

HASKELL STREET, § 3. See Boundaries.

HALLS, to regulate and prevent obstruction of, § 123.

HACKS, Council to establish stands for, etc., § 139.

HERZOG TRACT, § 3. See Boundaries.

HEALTH, preservation of, Council to make proper and necessary regulations for, § 131.

HEALTH (Continued).
to provide for suppression of disease, etc.
to prevent introduction of contagious diseases.
to make quarantine laws and regulations.
to regulate entry into city of diseased persons.
to prohibit entry and property infected with contagious disease.

HEALTH OFFICER, a chief official of the City, § 67.

HEAT, water, light and power, § 98.

HEARTHS, Council to prevent construction of dangerous, § 122.

HOSPITALS, City to acquire, establish, maintain, equip, etc., § 97.

HOUSES OF CORRECTION, City to establish, maintain and equip, etc., § 97.

HOURS OF LABOR, eight hours per day maximum time of labor or service, § 193.
whether by City officials, contractors or employees.
includes all laborers, workmen, or mechanics.
employed in municipal work.

IDAHO STREET, § 3. See Boundaries.

INFIRMARIES, City to acquire, establish, maintain, etc., § 97.

INFLAMMABLE, materials, Council to regulate storage of, § 117.

INITIATIVE, direct legislation, defined and prescribed, § 219.

INCUMBENT removed upon failure of election, § 41.

INCAPACITY OF RECALLED OFFICIAL DEFINED, § 43.

INSPECTION OF FOOD PRODUCTS, § 133.

IMPROPER USE OF STREETS PROHIBITED, § 125.

JAILS, City to estabilsh, maintain, equip, etc., § 97.

JOINT OWNERSHIP OF WATER SUPPLY, provided for, § 106.

JUSTIFICATION OF OFFICER UNDER RECALL PETITION, § 39.

KELLERSBERGER'S MAP OF RANCHO VINCENTE AND DOMINGO PERALTA, § 3. (See Boundaries.)

KINDERGARTEN, City to establish, maintain, equip, etc., § 97.

LAND FOR PUBLIC PURPOSES, § 101.
City may acquire by purchase, condemnation, etc.
within or without the City.
for the establishment, etc., of any public utility.
or to effectuate any other public purpose.
may sell, convey, encumber and dispose of for the common benefit.

Lease of lands owned by the City, § 147.
lease may be made of any lands owned by the City.
to be made at public auction to the highest bidder.
at the highest monthly rent.
after previous publication of notice for at least one week.
notice to specify time and conditions of proposed leased.
Council may in its discretion reject any and all bids.

LARD, inspection of food products, § 133.

LANE, Council to order street work upon, § 152.

LABOR, hours of, §193.
eight hours per day prescribed as maximum time of.
includes laborers, workmen or mechanics.
employed upon any municipal work.
whether by City, its officers, contractors or sub-contractors.

LEASE OF PUBLIC UTILITIES PROVIDED BY CHARTER, § 102.
Lease or assignment of franchise, § 211.
forbidden without express consent of the City.
dealings of city with lessee not to operate as a consent.
grantee of, may include same in mortgage or trust deed.
when executed to obtain money for corporate purposes.

LEGISLATION.
Direct legislation by the people, § 168.
qualified voters have power through initiative and otherwise.
to carry out and enforce general powers of the City.
or any of the specified powers of the Council.
subject to provisions of Charter and laws of State.

LECTURE ROOMS, provisions for safety in, etc., § 123.

LEVEES, Council to provide same under street work, § 152.

LIBRARY TRUSTEE, a chief official of the City, § 67.

LIBRARIES, City to establish, maintain, equip, operate, etc., § 97.

LIGHT, water, heat and power, § 98.
City to operate plant and furnish citizens with it.
Light and water, § 154.
City to provide for light streets, highways, public places, etc.

LIGHTING, contracts for, § 191.
not to be made for a longer period than one year.
rate limited to the minimum price charged to any other consumer.
includes streets, public buildings or offices.

LICENSING BUSINESSES, §138.
for purposes of regulation and revenue, all kinds of businesses.
not prohibited by law, to be carried on in the City.
to fix rates and provide for collection by suit or otherwise.

LIFE OF FRANCHISES, maximum duration thirty-five years, § 205.

LIMIT OF TAX LEVY, § 179.
not to exceed $1.00 on each $100 of assessed value.
includes all real and personal property within the City.
Council not to apportion less than 35 cents to the school fund.
unless Board of Education calls for a less amount.
remainder of such levy to be placed in the general fund.
to be apportioned by Council, subject to provisions of the Charter.

LIENS, assessment constitutes a lien on the property assessed, § 182.
tax on personal property to be a lien on real property.
liens attach as of the first Monday in March in each year.
may be enforced by action in any court of competent jurisdiction.
lien may be foreclosed or sale of property affected, may be made.
necessary certificates and deeds therefor to be prescribed by ordinance.
real estate may be sold to City for taxes due.
to be sold in like manner, with sales for State and county taxes due.
Council to provide procedure in such sales and redemption thereafter.

LORIN VILLA TRACT, § 3. (See Boundaries.)

LODGING HOUSES, § 135.
regulations to be made to prevent overcrowding of same.
to require that they be kept in proper sanitary condition.

MABEL STREET, § 3. (See Boundaries.)

MAYOR, an elective officer of the City, § 45.
to have the right to vote upon any question before the Council.
Annual salary. $2400, payable monthly, § 56.
Bond of Mayor, $10,000, § 54.
to be approved by the Council.
Mayor to approve bond of Auditor, Councilmen and School Directors.
conditions of bond specified.
The chief executive officer of the City, § 58.
must see that all ordinances are duly enforced.
charged with general oversight of the several departments.
must see that all contracts with City are faithfully performed.
Elected at large on a general ticket, § 46.
Eligibility of, § 47.
must be a citizen of the United States.
must be a qualified elector of the State and City.
Mayor *pro tempore*, § 59.
Vice-President of Council serves in absence of.
in event of absence or disability of both, Council shall elect.
in case of vacancy in office of, Vice-President acts.
Mayor to have City's books examined, § 61.
to employ a certified public accountant.
at the beginning of each fiscal year.
for a stipulated compensation.
Mayor's reports, § 60.
to give Council information annually and from time to time.
to recommend such matters as he may deem expedient.
Mayor's urgency fund, § 146.
urgent necessity fund not exceeding $500 per year.

MAYOR, Urgency fund (Continued).
to be expended under the direction of the Mayor.
Powers and duties prescribed by ordinance, § 63.
to exercise and perform other duties and powers under ordinance.
Signing and attesting, § 89.
resolutions and ordinances to be signed by.
Supervision of public utility companies, § 62.
Mayor charged with general supervision of.
to keep himself fully informed as to compliance with law.
to see that all City franchises are faithfully observed.
to cause actions brought to prosecute for violations of law.
to revoke, cancel, etc., all franchises which are forfeitable.
or which are illegal, void and not binding upon the City.
City Attorney must prosecute on demand of the Mayor.
Term of office, two years, § 51.
beginning July 1st after his election.
Vacancy in the office of, § 49.
Council to appoint a person to fill such vacancy.
in event of tie vote, Council to appoint.

MARKET. Market houses, City to acquire, establish, maintain, etc., § 97.

MACHINERY, Council to prevent construction and cause removal of dangerous, § 122.

MANUFACTORIES, § 122.
Council to prevent construction and cause removal of dangerous.

MANHOLES, Council to order same constructed under street work, § 152.

MAIL CARRIERS, free transportation while on duty provided, § 208.

MAJORITY VOTE of Council necessary to pass ordinance or resolution, § 83.
Majority of Council constitutes a quorum for transaction of business, § 79.
Vote necessary for election, § 27.

MEETINGS OF COUNCIL, § 77.
Council to provide for time, place and manner of holding.
meetings of Council, whether regular or special, open to public, § 78.
Board of Education to meet at times desginated by resolution, § 234.
in a place to be provided therefor by the Council.
Board to provide manner of calling special meetings.

MEATS, Council to provide for and regulate inspection of, § 133.

MEASURES, reference of, to popular vote, provided for, § 230.
Weights and measures, inspection and sealing of, § 140.
Council to regulate the keeping and use of by dealers.
to enforce use of, duly tested and sealed.

MENDICANTS, City to restrain and punish, § 142.

MILK, City to provide for and regulate inspection of, § 133.

MISCELLANEOUS PROVISIONS OF CHARTER, § 245.
Alternative proposition, defined, § 252.
Certificate of freeholders, §251.
Conduct of legal proceedings, § 249.
Existing ordinances continued in force, § 248.
First election under the Charter, § 246.
Terms of incumbents in office, § 247.
Time when Charter takes effect declared and specified.
Violation of Charter and ordinances, § 250.

MONTEREY AVENUE, § 3. See Boundaries.

MORGUES, City to establish, maintain, equip, etc., § 97.

MONEY TO MEET WARRANTS, § 184.
Money available for cash basis fund, § 181.

MUNICIPAL OWNERSHIP, §170.
City to provide a suitable procedure for acquiring.
includes public utilities and property therein.
Right of City to assume ownership of franchises, § 209.

MUSEUMS. City to acquire, establish, maintain, equip, etc., § 97.

NAME OF THE CITY, § 1.
the municipal corporation known as the Town of Berkeley.
to remain and continue a body politic and corporate.
and to have perpetual succession by the name of the City of Berkeley.

NEWBURY TRACT, § 3. See Boundaries.

NORTHBRAE TRACT, § 3. See Boundaries.

NORTH CRAGMONT TRACT, § 3. See Boundaries.

NOMINATION AND ELECTION OF CITY OFFICERS, § 5.
the mode and nomination and election of, prescribed.
Filing of petitions of nomination, § 16.
Form of nomination petitions, defined and prescribed. § 7.
Forms to be supplied by the City Clerk, § 9.
Preservation of petitions of nominations, § 17.
Requirements of certificates of nomination, § 10.

NOMINEE, every nominee to be on ballot, § 22.
excepting in case of withdrawal of name.

NOMINATE, § 240.
Superintendent of Schools to recommend and nominate teachers, when.
Board of Education to elect teachers upon nomination, § 241.
to make rules governing the mode of nominating teachers.

NOISES, disagreeable, Council to make regulations for suppression of, § 132.

NUISANCES, City to provide for the summary abatement of, § 112.
at the expense of the person or persons creating same.

OATH OF OFFICE, every officer of City to take, § 55.
form as provided for in State Constitution.
to be filed with the City Clerk.

OATH OF OFFICE (Continued).
Administering oaths, § 57.
elective officers, chief officials, have power to administer.
includes members of any board or commission.

OCCIDENTAL STREET, § 3. (See Boundaries.)

OFFICERS.
Recall of elective, § 35.
the recall applies to all elective officers.
every incumbent whether elected or appointed subject to recall.
Administering oaths. Subpœnas. § 57.
Candidates' election. Officer sought to be removed a candidate, § 40.
Compensation of officers and employees, § 69.
Councilman's term of office, § 52.
Elected at large at general municipal election, § 46.
The elective officers of the City declared, § 45.
Election under recall petition, § 38.
Eligibility of, defined and prescribed, § 47.
Mayor, Auditor and Councilmen.
Eligibility of School Directors, § 48.
Further regulations may be adopted, § 44.
Grounds of recall. Officers' justification. § 39.
Incapacity of recalled official, § 43.
Incumbent removed if he fail of election, § 41.
Mayor and Auditor's term of office, § 51.
No recall petition for first three months, § 42.
Not to be interested in contracts or franchises, § 73.
nor in any work or business of the City.
nor in sale of articles paid for from the treasury.
nor arising under assessment levied by ordinance.
nor in the purchase or lease of City's real estate.
nor in any property sold for taxes.
nor in property obtained under legal process.
employment by public service corporations in City forbidden.
employment by grantees of City franchise forbidden.
employment by City contractors forbidden.
agreements contravening the provisions of this section null and void.
violating the provisions of section a misdemeanor.
Oath of office defined and prescribed, § 55.
Officers collecting and receiving money, rules as to, § 185.
Official bonds of chief officials, § 54.
Petition for recall prescribed, § 36.
Provisions of Sec. 5 as to forms, etc., apply, § 37.
Salaries of chief officials, § 56.
School Directors' terms of office, § 53.
Subordinate officers and employees, § 68.
Town officials cease office, when Council so declares, § 247.
Vacancy in office of Mayor, Auditor or Councilmen, § 49.
Vacancy in office of School Director, § 50.

OFFICIAL SEAL, Council to provide a corporate seal, § 110.
to contain an appropriate device.
to be affixed to all instruments, etc., needing authentication.
Contracts for official advertising in, § 190.
Official newspaper, § 189.
public work to be done by contract to be advertised in.
Mode of securing the official newspaper of the City.
OFFICIALS, free transportation of, while on duty, § 208.
ORDINANCE.
Ayes and noes, § 82.
to be taken upon the passage of all ordinances and resolutions.
to be entered in journal of proceedings of the Council.
Election under the initiative, § 224.
ballots to contain "For" or "Against the ordinance," etc.
popular ordinance valid and binding upon majority vote.
Enacting clause of ordinances, § 85.
"Be it ordained by the Council of the City of Berkeley as follows."
Existing ordinances continued in force, § 248.
Five per cent petition prescribed and defined, § 222.
Fifteen per cent petition prescribed and defined, § 221.
The Initiative. Direct legislation. Proposed ordinances. § 219.
Majority vote of Council, § 83.
ordinance and resolution requires at least votes of three members.
Ordinances and resolutions, § 81.
Council shall act only by.
Ordinance granting franchises, § 92.
adoption precluded within thirty days after introduction.
renewal precluded before one year prior to expiration.
Ordinances required in certain cases, § 87.
providing for any specific improvements.
appropriation or expenditure of public money above $500.
the acquirement, sale or lease of public property.
for the levying of any tax or assessment.
for the granting of any franchise.
for establishing or changing fire limits.
for the imposing of any penalty.
exceptions in cases where Council acts under general State law.
Provisions of Sec. 5 as to forms and conditions governs, § 220.
Powers and duties prescribed by ordinance, § 63.
Mayor to exercise powers and perform duties.
Publication of Charter and ordinances, § 95.
Council to cause all ordinances to be classified.
during the first year after its organization.
and from time to time thereafter.
classification to be under appropriate heads.
together with or separate from Charter of City.
and with provision of constitution and State laws.
as the Council may deem expedient.

ORDINANCE (Continued).
Publication of popular ordinance, § 223.
proposed popular ordinance to be printed.
Clerk to enclose copy in envelope with sample ballot.
same to be mailed to voters three days before election.
or Council may insert same in official newspaper.
to be published as ordinances adopted by Council.
such publication in lieu of printing and mailing.
Reconsideration, not less than one week after action on bill, § 88.
Record of City ordinances, § 93.
copy of ordinances to be kept and certified by City Clerk.
book of record to be kept, marked "City Ordinances."
record copy with certificate prima facie evidence of contents.
and of the due passage and publication of same.
admissible as such in any court or proceeding.
when used in case, to be returned to custody of City Clerk.
records shall not be filed in any case.
does not prevent proof of passage and publication in usual way.
Reference of measures and ordinances to popular vote, § 230.
Referendum, The. Mode of protesting against ordinances, § 229.
Repeal of popular ordinance, mode of effecting, § 227.
Repeal to be by ordinance under Sec. 44 Charter, § 91.
Revision and amendment, § 90.
prohibited by reference to title only.
to be set forth and adopted in manner provided for in section.
Requirements of an ordinance, § 86.
before final action, to be published two days.
ayes and noes to be specified in publication.
amendments before final adoption to be published.
to be republished as amended not less than one day.
Several ordinances at one election, § 225.
Signing and attesting, § 89.
resolutions and ordinances to be signed by Mayor.
to be attested by the City Clerk.
Subject and title, § 84.
confined to one subject clearly expressed in the title.
making appropriations, confined to subject of appropriations.
subject not expressed in title, renders ordinance void as to same.
ordinance making appropriations excepted from provisions of section, when.
Violation of Charter and ordinances, § 111.
Council to prescribe fines, forfeitures and penalties.
for violations of any provisions of Charter or ordinances.
penalty not to exceed $500, or six months imprisonment or both.
Violation of Charter and ordinances, § 250.
violation of Charter and ordinances a misdemeanor.
may be prosecuted in the name of people of the State.
may be redressed by civil action.

ORDINANCE, Violation of (Continued).
place for imprisonment of misdemeanor prescribed.
imprisonment to be in favor of county against City, when.
OVENS, to prevent the construction of dangerous, etc., § 122.
PARADISE PARK, § 3. (See Boundaries.)
PARKS, City to acquire, establish, maintain, etc., § 97.
PAVING, cleaning and sprinkling of streets, § 212.
PAYMENT OF GROSS RECEIPTS BY CORPORATIONS, FIRMS, ETC., § 215.
PERPETUAL SUCCESSION, City of Berkeley to have, § 1.
PETITION.
Date of presenting petition of nomination, § 12.
Election under recall petition, § 38.
Examination of petitions by City Clerk, § 13.
Fifteen per cent petition defined and prescribed, § 221.
Filing of petitions, § 16.
Five per cent petition defined and prescribed, § 222.
Form of nominating petition, § 7.
Grounds of recall. Officers' justification, § 39.
Individual certificate, form of prescribed, § 8.
Initiative. Direct legislation, petition for, § 219.
No recall petition for first three months, § 42.
Petitions after withdrawal of candidate, § 15.
Preservation of petitions, § 18.
Provisions of Sec. 5 of Charter apply, § 220.
Provisions of Sec. 5, Charter, apply to, § 37.
Recall of election officers, petition for, § 36.
Withdrawal of signature from petition, § 14.
PERCENTAGE OF GROSS RECEIPTS PAYABLE TO CITY, § 215.
under franchise granted by City.
PER CENT, Council to borrow money at not more than 5% per annum, § 105.
Fifteen per cent petition under the Initiative, § 221.
Five per cent petition under the Initiative, § 222.
Per cent required when bidding for a franchise, § 201.
PIPES, size and location of, water, gas, etc., § 163.
PLOTS "Q" AND "R," § 3. (See Boundaries.)
PLAYGROUNDS, City to acquire, establish, maintain, equip, etc., § 97.
PLACES OF RECREATION, City to acquire, establish, maintain, equip, etc., § 97.
POSEN AVENUE, § 3. (See Boundaries.)
POLITICAL AND RELIGIOUS TESTS, § 74.
City appointments not affected by religion or politics.
appointments and removals to be independent of.
transfer and promotion not to be affected by.
political opinions and affiliations excluded.
political services not to affect appointment or removal.

POWER, water, light and heat, § 98.

POLICE AND FIRE DEPARTMENTS, § 114.
Council to organize and maintain.
to erect necessary buildings for.
to own implements and apparatus required for.
Police and Fire Alarm Systems, § 115.
Council to establish and maintain.
to manage, control and appoint Superintendent thereof.
Policemen, free transportation while on duty provided, § 208.
within the boundaries of the City.

POUND, PUBLIC.
City to provide and maintain.

POULTRY, City to provide for inspection of, § 133.

POLES AND WIRES, regulation of telephone, telegraph, etc., § 162.

POPULAR ORDINANCE, publication of, § 223.
Repeal of, § 227.
Reference of measures to popular vote, § 230.

POWERS.
Powers and duties prescribed by ordinance, § 63.
Mayor to exercise.
Powers and duties of the Superintendent of Schools, § 239.
Powers of Superintendent with reference to teachers, § 240.
Powers of the City and of the Council, defined, § 96.

PROPERTY, City of Berkeley to have, hold and enjoy, § 2.
Property rights of the City inalienable, § 196.

PRECAUTIONS AGAINST FIRES, Council to provide, § 122.

PROCLAMATION, election, defined and prescribed, § 18. (See Election.)

PROVISIONS OF SEC. 5 APPLY UNDER RECALL OF ELECTIVE OFFICERS, § 37.
relates to forms and conditions of petitions, mode of verification, etc.
Provisions of Sec. 5 apply under the initiative, § 220.
Secs. 48 and 231 apply to Art. 3, Sec. 5, of Charter.
Provision for safety in streets, § 124.
Provisions for safety in theatres, halls, etc., § 123.

PRESIDENT AND VICE-PRESIDENT OF COUNCIL, § 76.
Mayor shall be President of the Council and preside at meetings.
Council to elect one of its number Vice-President.
President of the Board of Education.
Board shall annually elect one of its number to be.
may be removed by affirmative vote of four members.
votes as a member of the Board only.

PRODUCTS OF PUBLIC UTILITIES, sales of, § 100.

PROSTITUTES, to restrain and punish, § 142.

PRIZE FIGHT, Council to prevent and punish, § 142.

PROGRESSIVE PAYMENTS ON CONTRACTS UNDER ORDINANCE, § 188.

PRESERVATION OF PETITIONS, City Clerk to provide, § 17.
Preservation of health, Council to make regulations for, § 131.

PROTECTION OF ABSENT COMMISSIONER IN COUNCIL MEETINGS, § 94.

PROPOSITION, alternative, provisions of Charter relating to, § 252.

PROTESTING, mode of, against ordinances, § 229.

PUBLIC ROAD, No. 3093, see Boundaries, commonly called Tunnel Road, § 3.
Department of Public Health and Safety created, § 64.
Department of Public Supplies created, § 64.
Department of Public Works created, § 64.
Public buildings, City to acquire, establish, maintain, etc., § 97.
Public order and decency, § 142.
Public Schools, Art. 15 of Charter, Secs. 243 to 255, inclusive.
Public toilets, City to establish, maintain, equip, etc., § 97.
Public vehicles, regulation of, § 139.
Public work to be done by contract, § 189.
includes erection of all public buildings and works.
street and sewer work of all kinds.
all work in or about streams, bays, waterfront, etc.
embankments, etc., for protection against overflow and erosion.
the furnishing of supplies and materials for the same.
or for any other use by the City.
when expenditure exceeds the sum of $500.
to be let to the lowest responsible bidder.
after advertising for proposals for five consecutive days.
in the official newspaper of the city.
notice to specifically state work contemplated to be done.
Council may reject any and all bids if deemed excessive.
may readvertise for bids, etc.
may provide work to be done by Department of Public Works.
if no bid received, may be done by Department of Public Works.
Public work and supplies form of contract under, § 187.
Supervision of public utility companies, § 65.

PUBLICATION OF POPULAR ORDINANCES, § 223.
method of publication defined and prescribed.

PURCHASE OF PROPERTY BY CITY, under execution, § 148.

QUARRIES, City to acquire, establish, operate, etc., § 97.

QUORUM, a majority of members of Council shall constitute, § 79.
three members of the Board of Education shall constitute, § 235.

RANCHO OF VINCENTE AND DOMINGO PERALTA, § 3. (See Boundaries.)

RAFTS, City to regulate and control landing of, § 157.

RATES, regulation of public utility, fixed and determined, § 158.
Rates and charges, franchises subject to, § 208.

RATIFICATION OF CHARTER, certificate of, § 254.

RAILROADS.
Railroads to keep streets in repair, § 160.
City to require every railroad company to keep streets in repair.

RAILROADS, To keep streets in repair (Continued).
between the tracks and along the same.
and within the distance of two feet upon each side of tracks.
Regulation of street railroads, § 159.
City to regulate street railroads, their tracks and cars.
to compel owners of two or more to use the same street.
for any distance not exceeding ten blocks.
to use same tracks and equitably divide the cost.
Reservation for belt lines of railroad, § 217.
Spur tracks, 161.
City to permit the laying down of and side tracks.
and running cars thereon to connect warehouses, etc.
subject to regulations prescribed by the Council.
such tracks to be used for the transportation of freight only.
not to be used as a main line or part thereof.
may be used for excavating or filling in a street or portion thereof, etc.
for time necessary for such purpose and no longer.
such tracks to be laid level with the street.
not to interfere with public use of the street.
all permits therefor revocable at pleasure of Council.
REGULATIONS AS TO GENERAL ELECTION, provided for, § 33.
Further regulations, Council may make to carry out provisions of § 44.
Further regulations, Council may make by ordinance, § 228.
Further regulations, Council may make by ordinance, § 231.
Regulation of poles and wires, § 162.
Regulation of public utility rates, § 158.
Council to fix and determine same.
includes water, heat, light, power and telephone service.
ordinance effective on July 1st after passage.
rates to be fixed in February of each year.
quality of service to be prescribed by Council.
Regulation of street railroads, § 159.
RECALL OF ELECTIVE OFFICERS, § 35.
applies to all elective officers.
Election under recall petition, § 38.
Further regulations under the recall, § 44.
Grounds of recall. Officers justification. § 39.
Incapacity for appointment of recalled official, § 43.
Incumbent removed if not elected, § 41.
No recall petition for first three months, § 42.
Officer sought to be removed, a candidate, § 40.
Petition for recall, defined and prescribed, § 36.
Provisions of Sec. 5 of Art. 3 of Charter apply, § 37.
REPORTS OF DEPARTMENTS, § 70.
departments to report annually.
date of reports to be fixed by Council.
reports to be made to the Mayor.
to include full report of all operations.

REPORTS OF DEPARTMENTS (Continued).
Reports to be published annually, § 71.
Reports and accounts to be uniform, § 186.

RELIGIOUS AND POLITICAL TESTS FORBIDDEN, § 74.
City appointments not affected by religion or politics.
appointments and removal to be independent of.
transfer and promotion not to be affected by.
political opinions and affiliations not to affect appointment.

RESOLUTIONS, Council shall act by ordinance or resolution, § 81.
Concurrent resolution of Legislature approving Charter, § 254.
(See also Secs. 1 to 11, inclusive.)
Term of town officers cease when Council so declares by, § 247.
Time of meeting of Board of Education designated by, § 234.

RECONSIDERATION, § 88.
no vote on, before one week before date of motion or bill.

REVISION AND AMENDMENT, § 90.
by reference to title only prohibited.
only by method provided for adoption of ordinances.

REPEAL, § 91.
must be made by ordinance as provided in Sec. 44, Charter.
Repeal of popular ordinance, § 227.

READING ROOMS, Council to establish, maintain, equip, etc., § 97.

RECREATION, places of, Council to establish, maintain, equip, etc., § 97.

REDUCTION WORKS (garbage), § 97.
Council to establish, maintain, etc.

REWARDS, Council to offer rewards not exceeding $250, § 113.
for apprehension and conviction in cases of felony.
and to authorize the payment thereof.

RESERVATION FOR BELT LINES, § 217.
City and Council precluded from granting exclusive right.
to or upon the bed of San Francisco Bay.
beyond the line of mean low tide.
structures preventing the construction of, forbidden.
mutual use of tracks provided for.

REFERENDUM, the. Mode of protesting against ordinances, § 229.
provisions of Sec. 5, Art. 3, Charter, as to forms and conditions.
verification, certification, and filing to conform to.

REFERENCE of measures to popular vote (referendum), § 230.

REQUIREMENTS OF CERTIFICATE OF NOMINATION, § 16. (See Certificate and Election.)
Requirements of ballot, § 21. (See Ballots.)

RECORD OF CITY ORDINANCES, to be kept by City Clerk, § 93.

RIGHT OF CITY TO ASSUME OWNERSHIP OF FRANCHISE, § 209.

RIGHTS AND LIABILITIES OF CITY DEFINED BY CHARTER, § 2.
the City succeeds to all rights of property, etc., of the town.

ROCK ISLAND TRACT § 3. (See Boundaries.)

ROAD, TUNNEL, § 3. (See Boundaries.)
County Road No. 4398, § 3. (See Boundaries.)
Public Road No. 3093 (also designated County), § 3. (See Boundaries.)

ROOMS, Reading, Council to establish, maintain, equip, etc., § 97.

RUSSELL STREET, § 3. (See Boundaries.)

RULES.
Rules governing second election prescribed, § 30.
Rules of proceeding in the Council, § 80.
Council to establish rules for its proceedings.
Rules of proceedings in the Board of Education, § 236.
Board to determine the rules of its proceedings.

RUBBISH, City to prevent the accumulation of, § 122.

SAN PABLO AVENUE, § 3. (See Boundaries.)

SAWYER'S PARTITION LINE, § 3. (See Boundaries.)

SALARIES OF ELECTIVE OFFICERS, § 56.
Mayor shall receive $2400 per annum, payable monthly.
Auditor shall receive $1800 per annum, payable monthly.
Councilmen shall receive $1800 each per annum, payable monthly.
School Directors shall receive $5 for each regular meeting of Board.
refers to meetings which he shall attend.
limited to not more than $15 in any one month.
Compensation of officers and employees, § 69.
salary of all City officers to be fixed by the Council.
includes all City officers as provided by § 30, Charter, Art. 7 (see 78).

SALE OF USELESS PERSONAL PROPERTY BY THE CITY, § 149.
includes personal property unfit or unnecessary for use of City.
Sales by City under bequests and donations to, § 103.
Sale of franchise after forfeiture thereof, § 204.
Sales of personal and real property under tax liens, § 182.

SAILING VESSELS, City to license, regulate and control landing, etc., of, § 157.

SCHOOLS.
All meetings of the Board shall be public, § 237.
Annual estimate of expenses, § 244.
Board to submit to Council annually careful estimate.
moneys to be received from the State and county for support of.
amount required from City for support of schools for ensuing year.
subject to Charter, to be assessed and collected in annual tax levy.
proceeds of tax to be immediately paid into school fund.
to be drawn out only upon order of the Board of education.

SCHOOLS (Continued).
The Board of Education, § 232.
to have entire control and management of.
in accordance with Constitution and general State laws.
vested with powers and charged with duties under Charter.
and general laws of State for city boards of education.
Board to appoint a Superintendent of Schools, § 238.
to fix the compensation of.
Election of teachers, § 241.
Board of Education to elect all teachers.
limited to list of candidates nominated by Superintendent.
Board to prescribe rules to govern Superintendent in nominating and recommending.
Eligibility of School Directors prescribed and defined, § 48.
Meetings designated by the Board, § 234.
Official bond of School Director, § 54.
Powers and duties of the Superintendent defined, § 239.
to be the executive officer of the Board of Education.
to give his full time to the duties of the office.
subject only to the Board and its orders.
orders of the Board relating to principal, teachers and janitors to be given through the Superintendent of Schools.
to examine all plans for construction of school buildings, etc.
to report in writing to the Board, his objections thereto.
to have supervision of instruction, discipline and conduct of.
may be required to act as Secretary of the Board.
Powers of Superintendent with reference to teachers, § 240.
to nominate and recommend all teachers and principals for election by the Board of Education.
to assign teachers and principals and make transfers.
President of the Board to be elected annually, § 233.
Provision for safety in, § 123.
Council to regulate size and construction of entrances and exits.
to prevent obstructions in hallways, aisles, etc.
Public buildings, works and institutions, § 97.
City to establish, maintain, equip, etc., schools.
City to establish, maintain, equip, etc., kindergartens.
City to establish, maintain, equip, etc., farm schools.
Quorum, three members of the Board to constitute, § 235.
Rules of proceedings determined by Board, § 236.
Salary of School Directors, § 56.
School Directors' term of office, § 53.
School warrants, § 243.
claims payable out of school fund to be filed with Secretary of Board.
to be approved by Board and certificate of approval endorsed thereon.
certificate to be signed by the President and Secretary.
warrant in payment of such claim to be issued against school fund.

SCHOOLS (Continued).
warrant to be signed by President and countersigned by Secretary.
to specify purpose for which drawn and to be approved by Auditor.
Tenure of teachers, § 242.
teachers subject to annual election for first two years.
after two years' service to be elected triennially.
Vacancy in office of School Director, § 50.

SECOND ELECTION. First election deemed a primary, when, § 28.

SEAL, OFFICIAL. Council to provide a corporate seal for the Ctiy, § 110.
to contain an appropriate device thereon.
to be affixed to instruments, etc., requiring authentication.

SEWERS AND DRAINS, Council to regulate construction and location of, § 120.
Sewer connections, Council to regulate the construction, repair, etc., of, § 136.
to compel the connecting, cleaning or emptying of same.
to designate time and manner in which work shall be done.

SERVICE AND ACCOMMODATION, § 207.
grant of franchise or privilege subject to right of City, whether same is reserved or not.
to make regulations for the safety, welfare, etc., of the public. including right to pass and enforce ordinances for.
to enforce regulations necessary to secure proper service, and to insure the comfort and convenience of the public.

SEVERAL ORDINANCES AT ONE ELECTION (initiative), § 225.

SHAVINGS, Council to prevent depositing of, § 122.

SIGNING AND ATTESTING of resolutions and ordinances, § 89.
to be signed by the Mayor and attested by City Clerk.

SIDEWALKS, weeds and rubbish on to be removed, § 126.
owner or occupant of building to remove.
upon failure, to be removed by City at owner's expense.
Council to order sidewalks constructed, etc., § 152.

SINKS, Council to regulate construction, repair and use of, § 136.

SIZE AND LOCATION OF WATER, GAS AND OTHER PIPES, § 163.

SLOT MACHINES, keeping and operating of prohibited, § 141.

SPRUCE STREET, § 3. (See Boundaries.)

SPECIAL AND GENERAL MUNICIPAL ELECTIONS, provided for, § 4.
Special elections limited to one in six months, § 226.

SPECIAL TAX, City to raise money by, and regulations under, § 105.

SPRINKLING PLANT, City to equip and operate for streets, § 97.
Sprinkling, cleaning and paving of streets by holders of franchises, § 212.

SPUR TRACKS, Council to permit the laying down of and regulating, § 161.

STREETS, § 3.
Blackstone, Art. 2, Sec. 3, Boundaries.
First, Art. 2, Sec. 3, Boundaries.
Idaho, Art. 2, Sec. 3, Boundaries.
Mabel, Art. 2, Sec. 3, Boundaries.
Occidental, Art. 2, Sec. 3, Boundaries.
Russell, Art. 2, Sec. 3, Boundaries.
Todd, Art. 2, Sec. 3, Boundaries.
Union, Art. 2, Sec. 3, Boundaries.
City to establish street cleaning and sprinkling plants, § 97.
Closed or abandoned streets, Council to regulate, § 156.
Franchises to use streets, Charter provisions concerning, § 198.
Improper use or construction of, § 125.
Provision for safety in, City to make, § 124.
Railroads to keep streets in repair, § 160.
Regulation of poles and wires, above, over and along, § 162.
Sprinkling, cleaning and paving, by holder of franchise, § 212.
Street grades, establishment or change provided for, § 151.
Street opening, prescribed and defined, § 153.
Street railroads, regulation of provided, § 159.
Street Superintendent, a chief official, § 67.
Street work, Council to regulate, order, control, etc., § 152.
Use of streets without a franchise, prohibited, when, § 197.
Weeds and rubbish on sidewalks of, § 126.

STACKS, Council to regulate construction of and material used in, § 120.

STOVES, Council to prevent the construction of dangerous, § 122.
to cause the removal of dangerous stoves and stovepipes, etc.

STEAMBOATS, City to license, control the landing, etc., of, § 157.

STATE, Town of Berkeley, State of California, § 254.

SUCCESSOR. City of Berkeley a successor of town of Berkeley, § 1.
also successor of all rights and liabilities.

SUBPŒNAS, § 57.
Elective officers, chief officials and members of Board or Commission shall have power to issue subpœnas.
to compel production of books, papers and documents.
to compel testimony concerning matters and things pending before such.
failure to appear, etc., constitutes a contempt.
persons in contempt subject to proceedings under general laws of State.
Chief of Police to detail officers to serve.

SUPERINTENDENT.
Nomination and recommendation of, § 241.
Powers and duties of, § 239.
Powers with reference to teachers, § 240.
Street Superintendent, a chief official, § 67.
Superintendent of Schools, Board of Education to appoint, § 238.

SUPERVISION OF PUBLIC UTILITIES COMPANIES by the Mayor, § 62.
duties of Mayor, with reference to, prescribed.
SUBORDINATE OFFICERS AND EMPLOYEES, § 68.
Council to create, etc.
Superintendent of Schools subordinate only to Board of Education, § 239.
SUBJECT AND TITLE, as to ordinances, defined, § 84.
SUE AND DEFEND, § 107.
City to sue and defend in all courts and places, and in all matters and proceedings.
TAX.
Bond tax. Library tax, § 180.
Council may levy and collect taxes in addition.
sufficient to pay the interest on bonded indebtedness of City.
sufficient to maintain the sinking fund of the City.
sufficient to provide for free libraries and reading-rooms.
Erroneously collected taxes, § 144.
Council to order the repayment of by the Treasurer.
taxes, percentages, or costs, erroneously or illegally collected.
Limit of tax levy, § 179.
shall not exceed $1.00 on each $100 of assessed value.
includes all real and personal property within the City.
not less than 35 cents to be apportioned to the school fund.
unless estimate of Board of Education calls for less amount.
remainder of tax levy to be placed in general fund.
to be apportioned by Council subject to Charter provisions.
Special tax, § 105.
may be levied in adddition to annual tax levy.
to authorize same, provisions under the initiative shall be followed.
also provisions relating to the referendum shall be followed.
levy of special tax to be approved by two-thirds of qualified electors.
where public necessity requires, Council may anticipate and borrow, to provide in next succeeding tax levy for repayment, with interest not to exceed five per cent per annum.
or may levy special tax for a period not exceeding three years.
for any permanent municipal improvement.
to be expended each year after same is collected and available.
Tax levy, annual, § 178.
Council to adopt ordinance levying.
not later than first Tuesday in September.
upon the assessed valuation of City property.
rate upon each $100 to equal annual budget.
less amounts received from fines, licenses, etc.
to deliver the assessment roll to the Auditor.
Auditor to compute and carry out the levy.
corrected list for each tax constitutes assessment roll.
Auditor to certify same as the assessment roll.

TAX (Continued).
Tax liens, § 182.
assessment constitutes a lien on property assessed.
percentages imposed for delinquency a lien.
cost of collection of taxes a lien.
tax on personal property a lien on real property.
liens attach first Monday in March each year.
may be enforced by suits in proper court.
action to foreclose lien or sell property.
certificates and deeds thereunder prescribed by ordinance.
sales for non-payment of taxes prescribed.
the right of redemption preserved.
rules in State and County sales to govern.
Council has power to provide the mode of procedure.
Tax system, § 173.
Council by ordinance shall provide a system.
for the assessment, levy and collection of all City taxes.
to be consistent with the Charter.
may utilize State laws in force.
other provisions of Charter subject to ordinance.

TAXATION, on all real and personal property prescribed, § 143.
subject to the limitations provided in the Charter.

TERM OF OFFICE of Mayor and Auditor prescribed, § 51.
Councilmen's term of office, § 52.
School Directors' term of office, § 53.
Terms of incumbents in office, § 247.
officials holding office at time of approval of Charter to serve until election and qualification of successors.
term of other officers ceases when Council so provides.

TELEPHONE, TELEGRAPH AND TRANSPORTATION SYSTEMS, § 99.
City may acquire by purchase, condemnation or otherwise.
may establish, maintain, equip, own and operate.
includes cable, electric or other railways.
ferries or transportation service of any kind.

TELEGRAPH, TELEPHONE AND TRANSPORTATION SYSTEMS, § 99.

TENEMENT HOUSES. Lodging and tenement, Council to regulate, § 135.
to prevent the overcrowding of and sanitary condition in.

TEACHERS.
Board of Education to make rules governing nominations, etc., § 241.
Election of, by the Board of Education, § 241.
Orders of the Board relating to direction of, § 239.
Powers of Superintendent with reference to, § 240.
Tenure of teachers, § 242.
first two years of service subject to annual election.
after two years' service elected triennially.

TENURE OF OFFICE, with reference to teachers, § 242.

THEATRES, provision for safety in, etc., 123.

TODD STREET, § 3. (See Boundaries.)

TRACT, § 3.
Carrison. (See Boundaries.)
Colby. (See Boundaries.)
Herzog. (See Boundaries.)
Lorin Villa. (See Boundaries.)
Newbury. (See Boundaries.)
North Cragmont. (See Boundaries.)
Northbrae. (See Boundaries.)
Rock Island. (See Boundaries.)

TREASURER, a chief official of the City, § 67.
Council to order Treasurer to repay erroneously collected taxes, § 144.
also percentages erroneously or illegally collected.
Auditor to certify to Treasurer of amount indebtedness due to City, § 183.
Auditor to charge Treasurer with amount received.
to notify Treasurer of apportionment or appropriation.
When expenses on cash basis, warrants drawn on Treasurer, § 184.

TRANSPORTATION, TELEPHONE AND TELEGRAPH SYSTEMS, § 99.
City to acquire by purchase, condemnation or otherwise.
to establish, maintain, equip, own and operate.
includes railways, ferries and service of any kind.

TRUSTS, Council to provide for execution of, § 150.
includes all trusts confided to the City.
Bequests and donations to the City, § 103.
includes all kinds of property in fee simple or in trust.
with power to act in accordance with the terms of the trust.
or absolutely, in case such trust be unconditional.

TRACKS, SPUR, Council to permit laying of, and to regulate, § 161.
City to regulate street railroads, their tracks and cars, § 159.
to compel joint use of and equitable division of cost.
Railroads to repair streets between and along tracks, § 160.
and within the distance of two feet along each side of.
Reservation for belt lines provides joint use of, § 217.

TUOHY'S SECOND ADDITION, § 3. (See Boundaries.)

TUNNEL ROAD, § 3. (See Boundaries.)

TUNNELS, Council to order construction of, § 152.

TUGBOATS, City to control landing, etc., of, § 157.

UNION STREET, § 3. (See Boundaries.)

URGENCY FUND, MAYOR'S. Council to provide $500 a year, § 146.

VACANCY.
Failure of person to qualify creates, § 14.
If recalled official fails of election, § 41.
Mayor pro tempore, rules respecting, § 59.
Vice-President of the Council to act as Mayor.
when a vacancy exists in the office of Mayor.
and until vacancy can be filled as provided by Charter.

VACANCY (Continued).
Vacancy in office of Mayor, Auditor or Councilmen, § 49.
Vacancy in office of School Director, § 50.

VAGRANTS, to restrain and punish, § 142.

VAULTS, Council to regulate construction, repair and use of, § 136.

VERIFICATION.
Verification deputies, § 11.
to be qualified electors of the City.
appointed by City Clerk on application of five electors.
when appointed, authorized to take oath of verification.
to take the oath of signers of petitions of nomination.
not permitted to take oaths for any other purpose.
not required to use a seal.
appointments continue only until petitions have been filed.

VEGETABLES, Council to provide for the inspection of, § 133.
Vegetable refuse, Council to provide for collection and disposal of, § 137.

VILLA HOMESTEAD ASSOCIATION, § 3. (See Boundaries.)

VIOLATION OF CHARTER AND ORDINANCES A MISDEMEANOR, § 250.
may be prosecuted in name of people of the State.
or may be redressed by civil action.
imprisonment for violating Charter or ordinance.
may be in City or county jail, as Council may ordain.
if in county jail, expense to be borne by City.

VOTING MACHINES, Council may adapt them for use, when, § 34.

WATERWAYS, Council may establish, own and operate, etc., § 97.

WATER, light, heat and power, City may equip, own and operate waterworks, § 98.
Joint ownership of water supply provided for, § 106.
Council to provide supply for municipal purposes, § 154.
Rates governing contracts for water, § 192.

WATERWORKS, City may equip, own and operate, § 98.

WATERFRONT AND WHARVES, § 157.
Council to control, repair, etc.
to fix rates of wharfage, dockage and tolls.
to provide for the collection thereof.
to regulate, etc., the landing of watercraft.
to make regulations concerning wharves.
Reservation for belt lines along, § 157.

WATERCRAFT, City to license, regulate and control, etc., § 157.

WALLS, Council to regulate and prevent insecure, § 120.
Council to order construction to protect street work, § 152.

WAGONS (Express), Council to establish stands for and regulate, etc., § 139.

WARRANTS. (School.)
to be approved by Board of Education.

WARRANTS (Continued).
certificate of approval to be endorsed by President and Secretary.
warrants to be issued against the school fund.
to be signed by President and countersigned by Secretary.
Auditor to endorse upon the word "Allowed."
Cash basis fund to be provided for the immediate payment of, § 184.
Money to meet warrants payable on demand, § 184.
Money to be drawn from treasury only, upon, § 183.
claims payable out of school fund to be filed, § 243.
Together with date of allowance and subscribe his name thereto.
Warrants to bear number and date the same as demand.

WELLS, Council to regulate construction, repair and use of, § 136.

WEIGHTS AND MEASURES, § 140.
Council to provide for inspection and sealing of.
includes all weights and measures used in the City.
to be duly tested and sealed.
Council to enforce keeping and use of by dealers.

WHARVES, Council to own, operate and maintain, § 97.
City to improve, keep in repair and control, § 157.

WHARFAGE, City to fix the rates of, and the collection thereof, § 157.

WITHDRAWAL OF SIGNATURE, § 14.
signer to a petition of nomination may withdraw.
must file with City Clerk a verified revocation of signature.
after withdrawal may sign petition for another candidate.
Withdrawal of candidate, § 15.
withdrawal not less than twenty-five days before election.
must file with City Clerk a request therefor in writing.
names so withdrawn not to be printed upon ballot, etc.

WOOLSEY STREET, § 3. (See Boundaries.)

WORKHOUSES, Council may own, establish, maintain, etc., § 97.

WIRES, regulation of, § 102.
regulation of telephone, telegraph, electric light or other.
within the City or any designated portion thereof.
to regulate or prohibit suspending of, along or across streets, highways, etc.

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